

# REPORT ON THE MAY 2022 WORKSHOP

ON VICTIM-RELATED ACTIVITIES  
DURING THE IMPLEMENTATION OF  
THE ECCC'S RESIDUAL MANDATE



Extraordinary Chambers  
in the Courts of Cambodia

BY DAVID COHEN  
DANIEL MATTES  
SANGEETHA YOGENDRAN

REPORT ON THE MAY 2022 WORKSHOP ON VICTIM-  
RELATED ACTIVITIES DURING THE IMPLEMENTATION  
OF THE ECCC'S RESIDUAL MANDATE

by David Cohen, Daniel Mattes, Sangeetha Yogendran

**REPORT ON THE MAY 2022 WORKSHOP ON VICTIM-  
RELATED ACTIVITIES DURING THE IMPLEMENTATION  
OF THE ECCC'S RESIDUAL MANDATE**

**AUTHORS**

David Cohen, Daniel Mattes, Sangeetha Yogendran

**REPORT DESIGN**

Melany Vilchynska

**ENGLISH REPORT**

ISBN-13: 978-9924-9747-1-0

**KHMER REPORT**

ISBN-13: 978-9924-9747-0-3

**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

Building 40, Russian Federation Blvd. (110),  
Sangkat Mittapheap, Khan 7 Makara,  
Phnom Penh, Cambodia. P.O. BOX 71

[info@eccc.gov.kh](mailto:info@eccc.gov.kh)

[www.eccc.gov.kh](http://www.eccc.gov.kh)



Extraordinary Chambers  
in the Courts of Cambodia

# TABLE OF CONTENTS

---

Glossary of Terms	008
List of Figures and Tables	010
List of Participating Civil Parties and Victim-Survivors	012
List of Participating Organizations in Workshop and Consultations	014
List of Annexes	016
Executive Summary	019

---

## **I. BACKGROUND 033**

A Residual Mandate for the ECCC	036
Role for Victims in the ECCC Judicial Process and Reparations Scheme	038
Origins and Goals for a Workshop on Victims	054

---

## **II. THE MAY 2022 WORKSHOP ON VICTIMS: DESIGNS AND ACTIVITIES 061**

First Steps: Instructions, Scheduling, Venues, Covid-19 Contingencies	064
Event Coordinator's Consultations before the Workshop	070
Workshop Secretariat and ECCC Support Team	081
Agenda and Participants	085
Discussion Groups	090
Keynote Speakers	095

---

### **III. SUMMARY OF SUBMISSIONS RECEIVED** **109**

Submissions to Co-Rapporteurs and Findings of Co-Rapporteurs	112
Discussions and Plenary Submissions from Groups at the Workshop	122
Submissions After the Workshop	153
Beyond the Workshop: Continued Consultations After the Event	170

---

### **IV. OBSERVATIONS, COMMON THEMES, AND RECOMMENDATIONS** **187**

On Victimhood	190
“Do No Harm” and Avoiding the Re-Traumatization of Victims	193
Individual and Local Ownership, Integration, and Sustainability	195
Overall Themes, Principles, and Areas of Agreement	198
Strategic Planning for Victim-Centered Initiatives in the Residual Phase	203

---

### **V. CONCLUSION AND THE WAY FORWARD** **213**

Annexes	221
---------	-----

# GLOSSARY OF TERMS

---

<b>C</b>	CMS	Court Management Section
	CPK	Communist Party of Kampuchea
	CPL	Civil Party Lawyer(s)
	CPLCL	Civil Party Lead Co-Lawyer(s)
	CRSV	Conflict-Related Sexual Violence
	CSO	Civil Society Organization

---

<b>D</b>	DK	Democratic Kampuchea
----------	----	----------------------

---

<b>E</b>	ECCC	Extraordinary Chambers in the Courts of Cambodia
----------	------	--

---

<b>I</b>	ICC	International Criminal Court
	ICIJ	International Co-Investigating Judge
	ICP	International Co-Prosecutor
	ICTR	International Criminal Tribunal for Rwanda
	ICTY	International Criminal Tribunal for the former Yugoslavia
	IGO	Intergovernmental Organization
	IR(S)	Internal Rule(s) of the ECCC
	ITU	Interpretation and Translation Unit

---

<b>K</b>	KR	Khmer Rouge
	KRT	Khmer Rouge Tribunal

---

<b>N</b>	NGO	Non-Governmental Organization
----------	-----	-------------------------------

---

<b>O</b>	OCIJ	Office of the Co-Investigating Judges
	OCP	Office of the Co-Prosecutors

---

<b>P</b>	PAS	Public Affairs Section
	PTC	Pre-Trial Chamber

---

<b>R</b>	RAK	Revolutionary Army of Kampuchea
	RGC	Royal Government of Cambodia

---

<b>S</b>	SCC	Supreme Court Chamber
	SCSL	Special Court for Sierra Leone
	SGBV	Sexual and Gender-Based Violence

---

<b>T</b>	TC	Trial Chamber
----------	----	---------------

---

<b>U</b>	UN	United Nations
	UNAKRT	United Nations Assistance to the Khmer Rouge Tribunal

---

<b>V</b>	VSS	Victims Support Section
----------	-----	-------------------------

---

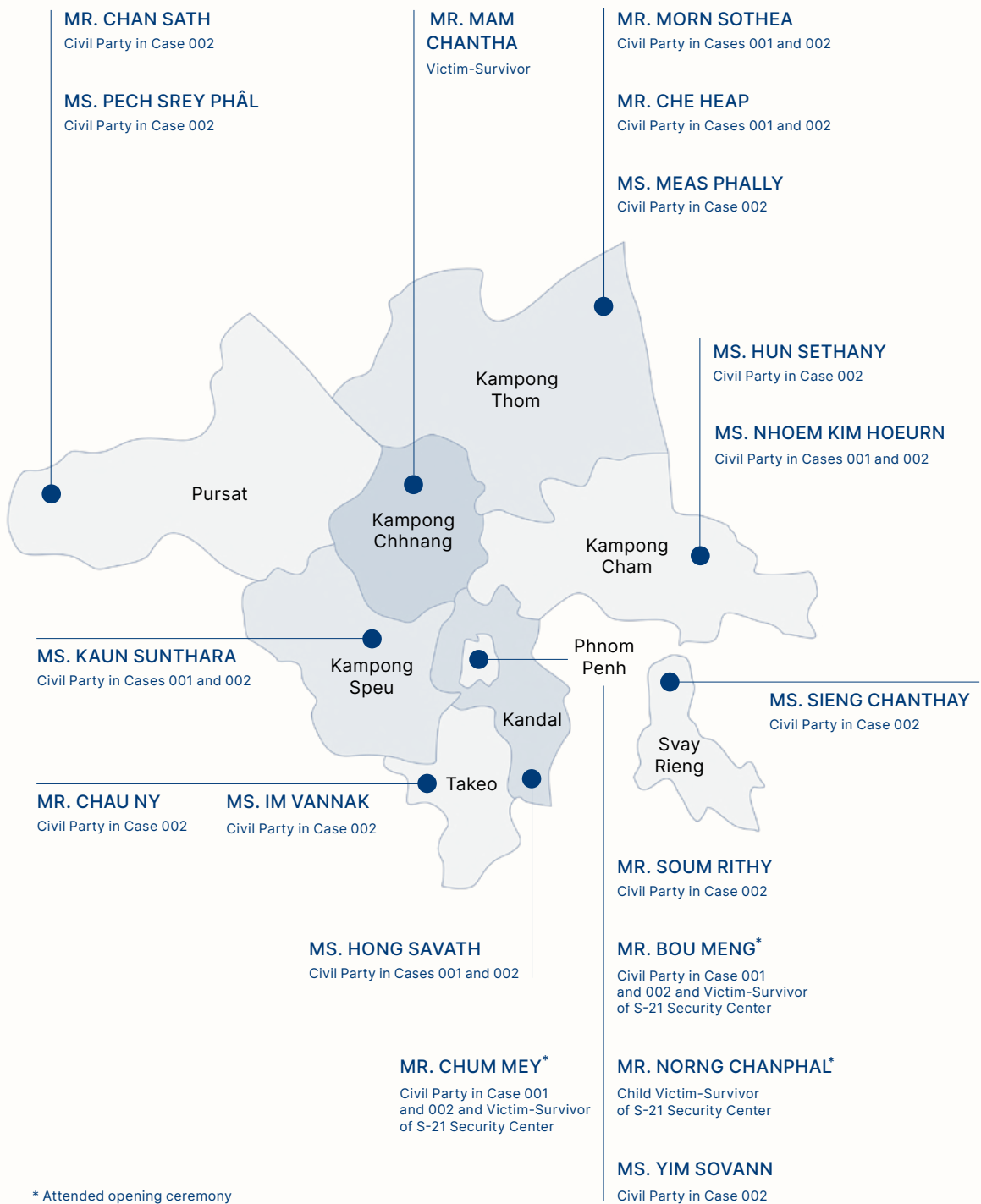
<b>W</b>	WESU	Witness and Expert Support Unit
----------	------	---------------------------------

# LIST OF FIGURES AND TABLES



Civil Party Applications in Cases 001 and 002	040
Reparations Projects in Cases 001 and 002/01	045
Reparations Projects in Case 002/02	050
Workshop Discussion Groups, Themes, and Composition	091
Workshop Keynote Speakers	095
Submissions in Response to the Co-Rapporteurs' October 2021 Call	113
Categories of Proposals to the Co-Rapporteurs	120
Thematic Groups during ECCC Victims Workshop	122
Proposals Made by Thematic Groups during ECCC Victims Workshop	125
Workshop Group 2 Proposal on Healthcare Provision for Victim-Survivors	135
Submissions Received in May 2022 after ECCC Victims Workshop	153
Submissions from 60 Civil Parties at 13 May 2022 VSS-CPLCL Forum	174
Submissions Received in May 2022 from Overseas Participants	178
Submissions Received from Diaspora after ECCC Victims Workshop	184

# LIST OF PARTICIPATING CIVIL PARTIES AND VICTIM-SURVIVORS



\* Attended opening ceremony

# LIST OF PARTICIPATING ORGANIZATIONS IN WORKSHOP AND CONSULTATIONS

---

<b>A</b>	ADHOC	Cambodian Human Rights and Development Association
	ASRIC	Applied Social Research Institute of Cambodia
	AUPP	American University of Phnom Penh

---

<b>B</b>	BAKC	Bar Association of the Kingdom of Cambodia
	BOPHANA CENTER	Bophana Audiovisual Resource Center

---

<b>C</b>	CCHR	Cambodian Center for Human Rights
	CKGC	Choeung Ek Genocidal Center
	CKS	Center for Khmer Studies
	CJA	Center for Justice and Accountability
	CPS	Civil Peace Service (of the GIZ)
	CSHL	Center for the Study of Humanitarian Law

---

<b>D</b>	DC-CAM	Documentation Center of Cambodia
----------	--------	----------------------------------

---

<b>F</b>	FUTURE FORUM	Future Forum
----------	--------------	--------------

---

<b>G</b>	GADC	Gender and Development Cambodia
	GD ALLIANCE	GD Alliance
	GIZ	German Corporation for International Cooperation
	GSF	Global Survivors Fund

---

<b>H</b>	HELPAGE	HelpAge Cambodia
----------	---------	------------------

---

<b>K</b>	KDK	Kdei Karuna Organization
----------	-----	--------------------------

---

<b>L</b>	LAC	Legal Aid Cambodia
	LDC	Legal Documentation Center of the ECCC

<b>M</b>	MCFA	Ministry of Culture and Fine Arts
	MOEYS	Ministry of Education, Youth and Sport
<b>N</b>	NGOF	The NGO Forum on Cambodia
<b>O</b>	OSJI	Open Society Justice Initiative
<b>P</b>	PUC	Paññāsāstra University of Cambodia
<b>R</b>	REDRESS	REDRESS
	RULE	Royal University of Law and Economics
	RWI	Raoul Wallenberg Institute
<b>S</b>	SNB	SNB and Associates Law Firm
	SNEHA CENTER	Sneha Center
	STANFORD CENTER	Stanford Univ. Center for Human Rights & International Justice
	SWISSPEACE	Swisspeace
<b>T</b>	TPO	Transcultural Psychosocial Organization
	TSGM	Tuol Sleng Genocide Museum
<b>U</b>	UNESCO	UN Educational, Scientific and Cultural Organization
	UNOHCHR	UN Office of the High Commissioner for Human Rights
	UNWOMEN	UN Entity for Gender Equality and the Empowerment of Women
	UYFC	Union of Youth Federations of Cambodia
<b>W</b>	WPM	Women Peacemakers Cambodia
<b>Y</b>	YFP	Youth For Peace
	YRDP	Youth Resource Development Program

# LIST OF ANNEXES

I.	Text of Addendum to UN-RGC Agreement	221
II.	Calls for Expressions of Interest for Moderator, Coordinator, and Facilitator	221
III.	Final Agenda for May 2022 Workshop	221
IV.	Two Press Releases (in both languages) for the May 2022 Workshop	221
V.	Transcripts of Speeches from Public Sessions of May 2022 Workshop	221
VI.	All Submissions in Response to the Co-Rapporteurs' October 2021 Call	221
VII.	All Submissions to the Secretariat After the May 2022 Workshop	221

# EXECUTIVE SUMMARY

With final judicial proceedings at the Extraordinary Chambers in the Courts of Cambodia (ECCC) due to conclude by the end of 2022, the institution stands at a major moment of transition. A new chapter awaits in the institution's residual functions mandated by the addendum to the agreement of the Royal Government of Cambodia (RGC) and the United Nations (UN). In the final months before the Tribunal transitions to that residual phase, the ECCC has begun undertaking new public efforts at gathering ideas from and sharing information with the public, civil society stakeholders, and victim-survivors and their representatives. This report summarizes the recent months of consultations and preparations for the imminent residual phase, including the recent workshop on victims held from 3 to 5 May 2022.

In the Addendum to the UN-RGC Agreement on the ECCC which entered into force in August 2021, Article 2 calls for, in relevant part, activities that, "provide for the protection of victims and witnesses; ...disseminate information to the public regarding the Chambers; and monitor the enforcement of reparations awarded to Civil Parties, as required." The four groups encompassed by these clauses — victims, witnesses, Civil Parties, and the public — form the constituency of the broad spectrum of victim-related activities that would emerge from the December 2021 Report of the Co-Rapporteurs engaged by the ECCC to recommend possible programs implementing that aspect of the residual functions.

The victim-survivors of the DK regime have been a driving force throughout these processes over the last 15 years. Whether through their procedural involvement in the investigations and trials as complainants or Civil Parties, or through their engagement in civil society initiatives building reconciliation and seeking the truth outside the courtroom, victim-survivors have shared their stories and made their voices heard. Their testimonies, as well as documentary evidence gathered by investigators interviewing



victim-survivors, have been made available throughout the trials and now may be used as educational and informational resources for future generations to learn more about the suffering of the past. In response to specific requests from Civil Parties, a total of 26 reparations projects have been recognized and implemented during the three trials which took place at the ECCC. Victim-survivors across Cambodia and its global diaspora will continue to be a foundational pillar of the next phase of the ECCC.

Two ECCC judges, YOU Ottara and Claudia FENZ, were appointed by the Office of Administration in July 2021 as “Co-Rapporteurs on Residual Functions related to victims.” Among other things, the Advisory Report they published in December 2021 called for the ECCC to engage in dialogues with stakeholders. Adopting this recommendation of the Co-Rapporteurs, the ECCC decided to organize a Victims Workshop to be held in May 2022, organized by three independent, outside consultants who are the authors of this report. The challenge for the organizers was to create a framework that fit within the parameters of the Addendum’s mandate, but that would also ensure as broad participation of civil society and Civil Parties as possible so that all voices, stakeholder groups, and interested parties, both national and international, would be represented in submissions to take part. The overarching goal was to encourage and facilitate the active and constructive development of proposals for projects and initiatives that would both identify the most important needs and opportunities for victim-related activities and also provide a platform through which realistic and fundable proposals might best be developed.

The Co-Rapporteurs’ recommendation of “dialogue” was thus interpreted broadly to encompass productive dialogue among the stakeholder groups as well as dialogue with the ECCC and with the potential funders as represented by RGC institutions, international funding organizations, and embassies representing member-states of the “Friends of the ECCC” donor group. The workshop provided an opportunity to continue the deep previous engagement of the ECCC with victims, witnesses, and Civil Parties through its many years of activities around reparations, community outreach, and witness and victim protection.

The Workshop organization was initially guided by three principal themes related to victims: recognition, remembrance,

and reconciliation. In recognition of suffering and victimhood, there are definitional questions of victim status; in reconciliation within society today, there are dynamics to consider not only between traditional notions of victims and former perpetrators but also within families and communities or across generations; and with acts of remembrance, how can we exhibit history beyond [much-needed] physical structures alone, or recall the past without retraumatizing victims or forcing them to remain stuck in their past misery? These three principal themes became a starting point for the workshop and were referenced throughout the keynotes and working group discussions.

In order to provide information about the upcoming Workshop and to begin discussions on potential programs related to victims, the Workshop Coordinator first undertook consultations with key civil society organizations (CSOs), state institutions, and longtime victim advocates or researchers attentive to the ECCC process. The aim was to build engagement and optimism for the workshop and the ECCC residual phase, to try to set expectations for the upcoming event, and to encourage participants to begin preparing for the event well in advance. These consultations also provided a chance to reframe the long-held claim that the ECCC had not done enough for victims with a new starting question: what do victims and their representatives want from the ECCC in this residual phase? How could past disappointment be turned into a new victim-centered agenda? Even with a healthy dose of skepticism, the participants consulted — particularly the local NGOs which have long been leading in the work of responding to victim requests — continually voiced a great deal of optimism and excitement as well. In the end, it was not particularly challenging to build interest in the workshop and the residual phase.

After many years of wondering if the Court would involve them and after two years of pandemic separation, it seemed that longtime stakeholders and practitioners were brimming with ideas and plans to share at the upcoming event and in planning for making the most of the imminent residual mandate of the ECCC. However, this subject also led to other key challenges that were repeatedly raised: the obstacles of re-traumatization, the need for a “do-no-harm approach”, and matters of privacy and protection for survivors and witnesses or Civil Parties. Others took issue with the Court’s poor communications and public information efforts

in recent years. One lawyer emphasized the need to follow a “Three C’s strategy” to communicate, coordinate, and cooperate, and called for the Court to share all its materials as much as possible in this important moment of transition. This optimism must be met with clarity and transparency regarding what the residual phase can and cannot achieve. Victims’ expectations must not be raised now only to further disappoint them.

Based on such conversations, it seemed that most CSOs were eager to learn about one another’s proposals and ideas, especially after two years of the pandemic had made the arbitrary separations between the like-minded organizations feel even wider. Multiple organizations have now begun to place greater emphasis on developing transformational changes, both for youth to imagine a transformed future founded on the peace and post-conflict situation they have grown up in, and for surviving elderly generations, many of whom are stuck in poverty or challenging circumstances. Even as CSOs hope to transform society with generational change, others emphasized the need to transform the challenging situations in which many older victim-survivors find themselves.

The ECCC ultimately held the “Workshop on Victims and Dissemination of the Advisory Report on Victim-Related Activities of the ECCC during the Residual Phase” over three full days, from 3 to 5 May 2022, at the Hyatt Regency in Phnom Penh. The workshop began and ended with publicly accessible opening and closing sessions, with public access permitted through livestreams online, and with members of the press in attendance. The 3 May opening ceremony featured approximately 120 guests, including several dignitaries from the RGC, diplomatic missions in Phnom Penh, and international organizations. Honorary speakers at the opening and closing ceremonies included H.E. Mr. Kranh Tony, Acting Director of Administration of the ECCC; H.E. Mr. Jacques Pellet, Ambassador of France and Co-Chair of the Friends of the ECCC; and H.E. Mr. Keo Remy, Delegate Minister attached to the Prime Minister, President of the Cambodian Human Rights Committee, and Permanent Vice Chairman of the Royal Government Task Force on the ECCC Proceedings; Dr. David Cohen, Workshop Moderator; H.E. Dr. Beth Van Schaack, United States Ambassador-at-Large for Global Criminal Justice (via video message); Mr. Hang Vannak, Chief of VSS; Mr. Chan Sath, Civil Party; Ms. Pech Srey Phâl,

Civil Party; H.E. Mr. Mikami Masahiro, Ambassador of Japan and Co-Chair of the Friends of the ECCC; and, Mr. Knut Rosandhaug, Deputy Director of Administration of the ECCC. The Workshop also featured five keynote speakers throughout the three days of proceedings: Ms. Yim Sotheary; Mr. Karim A.A. Khan, QC; Dr. Christoph Sperfeldt; Dato' Shyamala Alagendra; and, H.E. Mr. Ly Chantola. All five keynotes were asked to reflect upon their experience as it specifically pertained to important themes and issues that the workshop would take up.

More than 90 regular participants, including 15 Civil Parties, attended all three days of the Workshop. They included representatives of local NGOs and international organizations, state institutions and museums, Civil Party lawyers, independent academics, lawyers and researchers, and ECCC parties and staff. The Workshop Secretariat formed and organized eight working groups in an effort to promote in-depth discussions covering eight separate thematic issues across the three days of the event. Participants were thus grouped not by their organization but by their interests and expertise related to eight thematic groupings. This was also done in a way to ensure that organizations represented by multiple participants were distributed among the groups. The eight themes included: a group made up solely of Civil Parties; mental health, healing, aging and duties to victims; victim-centered archives and documentation and witness and victim protection; historical sites, monuments and acts of remembrance; ethnic and religious minorities; access to justice and legal aid; intergenerational dialogues, youth, and oral histories; recognition and reparation for sexual and gender-based violence. In bringing together representatives of different organizations in these eight working groups, the Secretariat hoped to enable discussions on common ambitions. The mixed composition of each group ensured that civil society advocates could speak directly with state institutions or international organizations, in promotion of greater dialogue and possibly eventual cooperation between different kinds of organizations.

Following a fuller account of the Workshop itself, the discussion groups, and the keynote speakers, this report then summarizes in great detail the submissions which have been received over the last year of consultations. We first discuss each of the 20 submissions made in response to the October

2021 call of the Co-Rapporteurs, and we integrate these earlier submissions within this report. All of those submissions which preceded the May 2022 Workshop are included in full in Annex VI. We then summarize the comments and outputs of the eight thematic working groups which undertook extensive discussions during the three-day Workshop, and we explain and summarize the final proposals shared by the eight groups at the closing plenary session of the Workshop held on 5 May 2022. We then discuss all submissions which were received after the May 2022 Workshop, including six submissions from key stakeholders: Bophana Center, the Documentation Center of Cambodia (and Michael Karnavas), Kdei Karuna, Tuol Sleng Genocide Museum, Youth for Peace, and Youth Resource Development Program. Finally, the report also summarizes the additional submissions which resulted from continued discussion with individuals and organizations that were not able to fully participate in the May 2022 Workshop: first, an additional group of 60 Civil Parties engaged during a VSS-CPLCL Forum on 13 May 2022 which resulted in four submissions; second, a focus group of overseas observers, researchers, and advocates who met for a discussion separately, and which submitted a total of three different submissions; and, finally, voices from the Cambodian diaspora who were not actively included in the May 2022 Workshop, which led to two additional submissions, including a comprehensive proposal for a program developing Cambodian cultural studies and building a more positive sense of identity for younger generations, from the Applied Social Research Institute of Cambodia, based in Long Beach, California. These submissions are also annexed to the report in full, in Annex VII. We thus summarize submissions from a total of approximately 50 organizations, individuals, or groups of individuals before, during, and after the May 2022 Workshop.

It was clear that the submissions presented many opportunities for collaborations, and most of the proposals have already identified partner organizations for collaboration, built up from conversations had before, during, and after the workshop. In particular, several of the proposals speak to similar topics of preserving local sites as places of remembrance and learning, and incorporating intergenerational dialogue with younger generations within these programs. Most proposals also speak to the need to engage with the government in collaboration on these projects, with the view to

longer-term sustainability and ownership in Cambodia. Civil Parties consistently asked that support for survivors and survivor-centered initiatives do not cease with the end of judicial hearings at the ECCC. They reiterated their universal suffering and trauma from the DK regime, and they expressed their desire for non-recurrence and their hope that future generations would never again allow such atrocities to take place. Most were focused on the next generation, asking for their stories to be shared with young people as much as possible to reveal the truth and strengthen reconciliation. Most groups and submissions called for the ECCC to quickly improve its dissemination of public information and communications strategy, noting the near silence of the last three years which has led to disappointment and even resentment among victim-survivors. Many called for regular consultations to continue beyond the workshop, in quarterly meetings on a smaller scale or on particular technical issues or subject matters.

In addition to those individuals who directly suffered at the hands of the Khmer Rouge, whether as adults or children, the proposals submitted to the Co-Rapporteurs, shared and developed at the Victims Workshop, and submitted to us thereafter all make clear that the intergenerational aspects of victimhood must be fully addressed in order to achieve the goals appropriate to a residual phase of victim-related activities.

These intergenerational aspects include the trauma which continues to affect Cambodian families and individuals within the approximately 70% of the population born after the Khmer Rouge regime. This need was broadly recognized in the Workshop as of central importance and highlighted as a priority for the residual phase. As also emphasized in keynote speeches, all groups must benefit from such programming, and truth-seeking, reconciliation, and related activities must be “localized” if they are to be effective. Submissions and proposals, as well as the December 2021 Co-Rapporteurs’ report, also generally called for a “Do No Harm” approach and to ensure that programs in the residual phase do not lead to re-traumatization of victim-survivors. Keynote Yim Sotheary offered examples of how harm may occur when victims of sexual violence and forced marriage are encouraged to speak of what they suffered as a path to “healing,” but the result is stigmatization. As she said, they must be afforded a “safe space to speak” and this can only occur if the preconditions and preparations required for

ensuring such safety are met by interlocutors who have the skills and experience required.

Numerous participants and submissions also emphasized the need for bringing victim-related programs directly to local communities. This need was perhaps most often expressed in the call for stupas, understood not as mere physical “monuments” but as focal points, perhaps with an adjacent community center, where discussion, truth-seeking, and remembrance can take place among those who live together in “face to face” communities rather than in the relative urban anonymity of Phnom Penh. It must be stated clearly: every working group at the Workshop, every statement by Civil Parties and their lawyers as their representatives, and every submission from the 13 May 2022 VSS Forum called for the construction of stupas and memorials in localities nationwide. This near unanimity is important and should be acknowledged and given a response.

As was most eloquently put by the Civil Parties who spoke of their own experiences at the Workshop, local ownership is essential if programming is to be successful. Ownership, as their remarks made clear, arises from listening to their voices and including them as partners in the process. This manner of proceeding is also one of the important factors in achieving sustainability. Localization should not follow a “one-size-fits-all” model but must respond to the needs and possibilities of each context.

Another element of sustainability involves the integration of programming and the building of collaborative frameworks. Integration manifests itself in a two-fold manner: first, it mandates the integration of similar or related programs among CSOs and institutions already working on the relevant issues and topics or program areas to support collaboration and avoid redundancy or duplication of projects. Second, it is integration with the relevant government institutions or programs which would enable sustainable attention to these matters in the longer run. It should also be noted that in some cases integration might entail building cooperative relationships with international institutions rather than only with RGC institutions, but of course it depends on the situation or topic involved.

Given the limited funding resources available for residual activities, and the ambitious scope of work indicated in the Workshop presentations and the submissions, competition among

stakeholders will only have a negative impact on the opportunities as a whole and will likely also lead to a fragmentation of programming that will undermine sustainability in the long run. As stated by Group 7 in the Plenary, it is to the advantage of all stakeholders, as well as to the population they hope to serve, to derive strength from combining knowledge, experience, and resources in initiatives that take advantage of the relative strengths of all participants. They called for the creation of a collaborative platform, encompassing civil society and government institutions to promote long term sustainability.

Another common issue raised was how to deal with the situation that occurs in many communities where victims and perpetrators live together but not, as Group 8 put it, in harmony with each other. This of course relates to the theme of localization mentioned above, but also raises the deeper issue of how this can best be achieved. VSS Chief Mr. Hang Vannak proposed that education can focus on creating a Cambodian post-Khmer Rouge identity that promotes harmony and prevent recurrence of violence. This aligns with the cultural studies and positive identity which ASRIC calls for in their transnational submission from the diaspora.

Perhaps the need most broadly expressed by the Workshop groups, the Civil Parties, and many submissions is the dire need for care of elderly victims, need which grows greater with every passing year. This need was forcefully expressed in the closing remarks of the group of Civil Parties at the workshop. They called for the establishment of an association for elderly victims that works collaboratively with partners to develop programming to establish elderly centers in each community and with local pagodas playing a key role; to include those victims not recognized by or participating directly with the ECCC; to provide health care; and, to enable the transfer of knowledge and educate a generation of young people who do not believe the stories they hear of the Khmer Rouge.

Finally, Civil Parties, both as a group and as individuals, hold a lot of leverage. They are widely respected and admired, and their groundbreaking position of speaking out and sharing the truth of their suffering has endowed them with a great deal of moral and persuasive power. This ought to be institutionalized as an important resource to carry forward and sustain the community and victim-oriented work of the Tribunal. The Civil Parties



in Group 2 suggested that Civil Parties could ask for support for specific programs from their local provincial governors. A real victim advocacy organization or association could powerfully advocate for victims' needs on a wider, long-term scale.

This possibility gained support at the Workshop and in consultations thereafter, with some detailed proposals for the ECCC's VSS to transform into a permanent victim's advocacy institution. It could be treated as a public advocate or an ombudsperson working on behalf of victims throughout every segment of the public and private sectors. This institution would need to remain politically independent while receiving recognition, and potentially funding, from the RGC. Further funds could be raised through local and international philanthropic efforts as well as international donor funding in its earlier foundational stages. For this transformation to be possible, VSS however needs greater resources now, including a fully resourced staff and an updated mission and scope of work. The residual period should be used to lay the foundations for this permanent victim advocacy institution, which would continue to exist independently from the ECCC after the residual phase concludes.

With these ideas already collected, and the opportunities for continued consultation in the development of relevant programs, what is less clear still is the plan for funding and administering the worthy activities and programs proposed within these pages summarizing the Workshop and submissions before and after that event. The voice of victims and relevant stakeholders ought to be included in any such discussions. The ECCC should be upfront and transparent about its planning. As emphasized throughout this report, there will not be any "one-size-fits-all" approach to funding and administering any of the proposed programs or projects, and the best modalities will need to be determined for each program. Implementing organizations and institutions, victims and Civil Parties, external donors, the RGC, and the ECCC itself ought to openly consider the best modalities to serve the needs of victims. Transparency and accountability should be built into this process.

Ahead of the announcement of the final judgment in Case 002/02 and the conclusion of the ECCC's judicial phase, it is vital that the ECCC begin mapping out and sequencing the programs discussed here and elsewhere. The ECCC and its donors must examine which programs are ready to be implemented immedi-

ately, and which programs necessitate some period of continued research or planning. Many of the programs presented at the workshop and in supplementary submissions include pilot phases which could begin as soon as the residual phase begins, such as in early 2023, and then are intended to expand into scalable, potentially nationwide programs for the second and third years of the residual phase. We encourage possible national or international donors who are unable to review this report in full to closely examine the detailed proposals listed in Annexes VI and VII. Two clear immediate needs, which came up throughout the Workshop and in submissions before and after the event, and which will impact other programs, must also be highlighted and be addressed immediately.

First, the ECCC through the VSS and the CPLCLs must undertake a comprehensive campaign to track down every single Civil Party who was recognized in Cases 001 and 002 and who applied in Cases 003, 004, 004/01, and 004/02. They must be informed about the outcome for those proceedings and the reparations projects conducted thus far, and they should be given the chance to make any decision regarding their private information in relation to eventual reclassification of case file materials. This is no small undertaking, and should begin immediately rather than waiting the commencement of a residual phase. There should be a similar undertaking for complainants as well. Compilation of all victim information should have begun already, as many survivors' telephone numbers or addresses may have changed. If the VSS and the CPLCLs need more resources to undertake this effort, those resources should be provided. This effort is necessary to respect the rights of the victims who engaged in the proceedings and also to demonstrate to them that their participation and experiences have not been forgotten. This is a necessary step before the ECCC expands its mission toward other victim-centered activities or efforts toward reconciliation and healing. This is also a process which only the ECCC — not the outside, relevant CSOs — can manage and undertake.

Secondly, a more effective and meaningful residual phase would be aided by better baseline data on the perceptions of the ECCC and Cambodia's transitional justice process. This data should target not only victim-survivors or Civil Parties but also young people. Population-based surveys have not been conducted

in many years, and both the ECCC and civil society stakeholders would benefit from a wider range of data to draw upon. Such efforts could also be used to query the public about programs or principles which they would like to see during the residual phase.

In the meantime, an open, consultative process which engages with victims and their representatives on their proposals and on questions of funding and administration will strengthen the eventual programs and ensure political and social “buy-in”. More decisions will eventually have to be made; that is a reason for more workshops, technical working groups, or consultations. It is ultimately up to the civil society or state actors to determine what they want to do and how they are going to do it. Collective convenings, initiated by the ECCC and always centering the perspectives of victims themselves, would better serve all these organizations, inspire collaboration rather than competition, and structure a successful and productive three years of the ECCC’s residual phase.

What has emerged over the past months’ experience of engaging stakeholders of victim-related activities is the extraordinary potential for building upon the legacy of the ECCC. As the Court enters its residual phase, it has the opportunity to mobilize the energy, commitment, and expertise that has been displayed in the process that led from the Co-Rapporteurs’ call for proposals to the Workshop. The submissions to the Co-Rapporteurs, the initiatives discussed at the Workshop, and the proposals and submissions that developed during and afterwards, collectively represent the product of 16 years of civil society engagement with the Court and with RGC institutions. Reflecting on what we have learned and observed leaves us with no doubt about what might be achieved if this wealth of experience can be effectively channeled to address the needs, goals, and key themes identified in the Workshop. The challenge is how to enable this potential to come to fruition. This Workshop is only a start, but because of the substantive participation and spirit of collaboration displayed by the participants it offers the promise of a way forward that can infuse the residual phase with programs whose benefits for Cambodian society will continue long after. This would represent a durable and valuable legacy for all that the ECCC has achieved in its highly successful community outreach programs and engagement with Civil Parties. This is an opportunity that should not be missed.

As emphasized throughout this report, the voices of the victims and Civil Parties must occupy a central place in shaping and implementing the victim-related program discussed above. Given the opportunity to participate in a meaningful way in the Workshop, they spoke with eloquence and force of the needs of their communities. Listening to them and involving them is not only important in itself but is also the best way to ensure that programmatic needs are properly formulated and effectively addressed. At the close of the May 2022 Workshop, Civil Party Pech Srey Phâl gave closing remarks on behalf of Civil Parties and other victim-survivors. If the ECCC residual phase is effective, she explained, survivors “will be coming together to lift the rock they have held in their chests for the last 40 years.” The ECCC, the RGC, and international donors now have the ideas, tools, resources, and networks before them to ensure this residual phase is most effective in promoting and establishing the programs discussed in this report and its annexed submissions. This is an opportunity to seize, on behalf of victim-survivors and the next generations.

We hope this report offers a roadmap for the ECCC in its residual phase and a concrete framework for funders to provide the support to build on past achievements, to create a real legacy for the ECCC of enduring value for Cambodia.



## BACKGROUND

---

036	A Residual Mandate for the ECCC
038	Role for Victims in the ECCC Judicial Process and Reparations Scheme
054	Origins and Goals for a Workshop on Victims



More than 15 years since its establishment, the Extraordinary Chambers in the Courts of Cambodia (ECCC) stands at a major moment of transition. The Tribunal's final judicial proceedings are due to conclude by the end of 2022, with the Supreme Court Chamber's impending announcement of the final judgment in Case 002/02 against Khieu Samphan, the last surviving senior leader of the Democratic Kampuchea (DK) regime, which ruled Cambodia from 1975 to 1979. Two other convicted accused, Kaing Guek Eav alias Duch and Nuon Chea, have passed away, two others did not live to be convicted at trial, and five others did not see their initial investigations and charges lead to trials. The victim-survivors of the DK regime have been a driving force throughout these processes over the last 15 years. Whether through their procedural involvement in the investigations and trials as complainants or Civil Parties, or through their engagement in civil society initiatives building reconciliation and seeking the truth outside the courtroom, victim-survivors have shared their stories and made their voices heard. Today, as the ECCC considers the close of its judicial processes, a new chapter awaits, in the institution's residual functions mandated by the agreement of the Royal Government of Cambodia (RGC) and the United Nations (UN). Victim-survivors across Cambodia and its global diaspora will continue to be a foundational pillar of this next phase. In the final months before the ECCC transitions to that residual phase, the ECCC has begun undertaking new public efforts at gathering ideas from and sharing information with the public, civil society stakeholders, and victim-survivors and their representatives. This report summarizes the recent months of consultations and preparations for the imminent residual phase, including the recent workshop on victims held in May 2022. The report aims to provide insight, analysis, and a roadmap, with clear project proposals developed by active stakeholders and victims themselves in a consultative process, to ensure the ECCC residual mandate meets the high standard that Cambodian victim-survivors most certainly deserve.

← Khieu Samphan on the third day of the appeal hearing in Case 002/02 on 18 August 2021.

# A RESIDUAL MANDATE FOR THE ECCC

On 22 December 2018, the General Assembly of the UN requested the Secretary General to begin a process of consultation with the ECCC and the RGC as to the development of a residual phase of activities following the close of judicial proceedings.<sup>1</sup> The Secretary General submitted his Report to the General Assembly, describing plans for the residual phase and detailing, among other things, the process by which a draft Addendum to the Agreement was developed.<sup>2</sup> The developed framework, in the form of the Draft Addendum to the Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea on the Transitional Arrangements and the Completion of Work of the Extraordinary Chambers, was recommended for approval to the General Assembly by the Secretary General on 7 July 2021. That Draft Addendum was adopted and entered into force when signed by representatives of the United Nations (UN) and the RGC respectively on 11 August 2021 and 26 August 2021. The full text of the Addendum is included in Annex I of this report.

Article 2 of the Addendum, “Residual Functions,” provides the framework for all residual activities in relation to victims. The terse formulations of Article 2, as will be seen, require considerable interpretation if meaningful victim-related residual activities are to in fact result from the Addendum’s mandate.

As the Report of the Secretary General indicates, “It is envisaged that the Extraordinary Chambers would continue to carry out, for an initial period of three years,” residual functions.<sup>3</sup> In regard to possible victim-related residual functions, Article 2 calls for, in relevant part, activities that, “provide for the protection of victims and witnesses; [...] disseminate information to the public regarding the Chambers; and monitor the enforcement of reparations awarded

<sup>1</sup> United Nations General Assembly (UNGA) resolution 73/279 A, Special subjects relating to the programme budget for the biennium 2018-2019 (22 December 2018), pp. 3-4; see also the subsequent resolutions continuing that process of consultation: UNGA resolution 74/263, Special subjects relating to the proposed programme budget for 2020 (27 December 2019), pp. 2-3; UNGA resolution 75/257 A, Extraordinary Chambers in the Courts of Cambodia — residual functions (30 December 2020); and, UNGA resolution 75/257 B, Extraordinary Chambers in the Courts of Cambodia — residual functions (7 July 2021).

<sup>2</sup> UNGA, Extraordinary Chambers in the Courts of Cambodia — residual functions: report of the Secretary-General, A/75/809 (19 March 2021).

<sup>3</sup> *Ibid.*, pp. 7-8.



to Civil Parties, as required.” The four groups encompassed by these clauses — victims, witnesses, Civil Parties, and the public — form the constituency of the broad spectrum of victim-related activities that would emerge from the December 2021 Report of the Co-Rapporteurs engaged by the ECCC to recommend possible programs implementing that aspect of the residual functions.

It is worth considering an aspect of Article 2 that might not appear to be immediately linked to victims: archival functions. Article 2 of the Addendum also mandates the ECCC to, “maintain, preserve, and manage its archives...and respond to requests for access to documents.” While Article 2 itself does not connect the archival residual function to victims, Civil Parties, and the public, it does not require a significant stretch of interpretative analysis to see how such groups would make requests for documents as part of victim-related initiatives. Indeed, they are likely to be the groups that this provision was intended to cover. Even more clearly, the core residual function of “dissemination of information to the public” could, and should, include the “access to documents” mandated in Article 2. Indeed, Article 3 of the Addendum, “Archives,” explicitly states that for purposes of promoting the ECCC’s legacy, the archives should be “as broadly accessible as possible.” It further states that as part of its residual functions, the ECCC should, “provide electronic access to, and printed copies of, the public archives to the public.” Resting on this part of the residual mandate, the dissemination of the archival records of the ECCC came to be recognized as resources for victim-related activities because of the importance and relevance of the information they contain for the victims, their families, their communities, and for the Cambodian public, present and future.

# ROLE FOR VICTIMS IN THE ECCC JUDICIAL PROCESS AND REPARATIONS SCHEME

A major innovation of the ECCC is the enhanced recognition of victims in its proceedings – victims of crimes that fall under ECCC jurisdiction are given a fundamental role. A victim is defined by the ECCC as a natural person or legal entity that has suffered harm as a result of the commission of any crime within the jurisdiction of the ECCC.<sup>4</sup>

The protection and safeguarding of the interests of victims lies at the heart of the ECCC’s mandate, and the Internal Rules state that the applicable ECCC Law, Internal Rules, Practice Directions and Administrative Regulations shall be interpreted to safeguard the interests of victims as well as the Accused.<sup>5</sup>

<sup>4</sup> Extraordinary Chambers in the Courts of Cambodia (ECCC), Internal Rules (Rev. 9) (16 January 2015) [hereinafter referred to as “ECCC Internal Rules”], Glossary.

<sup>5</sup> ECCC Internal Rules, Rule 21.

## VSS AND THE CIVIL PARTY SCHEME AT THE ECCC

01

The participation of victims as Civil Parties originates in Cambodian domestic law, which is based on the French legal code, and which allows victims to apply to intervene in proceedings as Civil Parties. The Cambodian Code of Criminal Procedure states, “The purpose of a civil action is to seek compensation for injuries to victims of an offense and with this purpose to allow victims to receive reparation corresponding with the injuries they suffered.”<sup>6</sup>

The ECCC established the Victims Support Section (VSS) and Civil Party Lead

Co-Lawyers’ Section for the organization of victims’ participation.<sup>7</sup> While the VSS is not mentioned in the ECCC’s earlier foundational documents such as the ECCC Law or the ECCC Agreement, the Internal Rules provide guidance on the organization of victim participation and the role of the VSS, along with the Civil Party Lead Co-Lawyers. The specific rule relating to the VSS was adopted into the Internal Rules following the Plenary Session in February 2010.

The role of the VSS is to:

- Assist victims in lodging complaints, with the supervision of the Co-Prosecutors;
- Assist victims in submitting Civil Party applications, with the supervision of the Co-Investigating Judges;
- Maintain a list of lawyers, both foreign and national, that are registered with the Bar Association of the Kingdom of Cambodia (BAKC) who want to represent victims or victims associations before the ECCC;
- Receive, verify, and translate applications from foreign lawyers who wish to represent Civil Parties, and to forward completed applications to the BAKC for registration;
- Administer applications for admission to the list of victims associations that have been approved to act on behalf of Civil Parties;
- Provide general information to victims and especially Civil Parties;
- Present lists of and information on lawyers and victims associations to victims or Civil Parties, with the supervision of the Co-Investigating Judges or the Pre-Trial Chamber, and facilitate legal representation;
- Assist with and support Civil Parties and complainants' attendance at court proceedings;
- Undertake outreach activities related to victims, especially Civil Parties, in consultation with the Public Affairs Section and the Civil Party Lead Co-Lawyers; and,
- Adopt administrative regulations as required to give the above effect.<sup>8</sup>

The VSS is the central point of contact between the ECCC, the victims, and their representatives. Although not explicitly mentioned in the Internal Rules, the VSS also serves as a meeting organizer and convener for victims, lawyers, intermediary organizations and those from other units of the Court.<sup>9</sup>

<sup>6</sup> Code of Criminal Procedure of the Kingdom of Cambodia (2007), Article 2.

<sup>7</sup> ECCC Internal Rules, Rule 12.

<sup>8</sup> ECCC Internal Rules, Rule 12 bis.

<sup>9</sup> Extraordinary Chambers in the Courts of Cambodia, Victims Support Section (last viewed 15 July 2022), accessible at: <<https://www.eccc.gov.kh/en/victims-support-section>>.

Over the course of the ECCC’s judicial proceedings, the legal findings and the breadth of the case files have necessitated changes to the original Civil Party scheme. This was partially a result of the large increase in the number of Civil Parties between Case 001, with one Accused and mostly concentrated on one crime site, and

Case 002, with four Accused initially and crime sites located nationwide. The number of Civil Party applications and admitted Civil Parties also grew significantly between the two cases. The table below lays out the distinctions between the number of Civil Party applicants in Cases 001 and 002.

**CASE 001**

93 Civil Parties participated in Case 001 proceedings.

- Three Civil Parties withdrew, so the Trial Chamber decided on the admissibility and reparations requests of 90 Civil Parties.
- Of these 90, the Trial Chamber confirmed the admissibility of 64 out of the 90.

**CASE 002**

VSS sent the CIJs 4,128 Civil Party applications. The CIJs found 3,866 applications admissible.

- 133 applicants lived abroad, 104 applicants changed their status to complainants, 11 withdrew their applications, 19 were duplicate applications, and six were re-submitted at the request of the victims.
- CIJs had to rule on the admissibility of 3,988 applications, and at that point, 18 applicants had passed away.

In Case 001, 93 Civil Parties participated in the proceedings. Before changes were made to the rules around participation, which are further discussed in the section below, Civil Party admissibility was decided by the Trial Chamber during judgment. Three Civil Parties had withdrawn by this point, so the Trial Chamber was tasked with deciding the admissibility and repa-

rations requests from 90 Civil Parties. The Trial Chamber had only confirmed 64 out of the 90 Civil Parties that had originally been admitted in Case 001.

22 Civil Party applicants appealed the Trial Chamber’s rejections of their applications in the Trial Judgment. The Supreme Court Chamber (SCC) considered whether the Trial Chamber

had erred in its determination of the merits of their applications. The SCC noted that there was a fundamental misunderstanding between the Trial Chamber and the Civil Party appellants about the merits and legal effect of the initial review of their applications. They further concluded that, “Having regard to the novel character of the Civil Party framework before the ECCC and the conceivable lack of clarity as to its specific arrangements as discussed above, the Supreme Court Chamber acknowledges the possibility that some among the Civil Party Appellants may have been confused as to whether submission of evidence was still expected of them.”<sup>10</sup> The SCC further noted that the Trial Chamber refusal to grant appellants their Civil Party status would have caused anguish and frustration given their practical and emotional investment in the proceedings.<sup>11</sup>

The SCC, in order to remedy any missed opportunity, therefore decided to grant the appellants’ motions to submit additional evidence. However, the SCC maintained the Trial Chamber’s criterion of special bonds of affection or dependence with direct victims in determining the admissibility of applications from indirect

victims. It found that the “criterion of special bonds of affection or dependence connecting the applicant with the direct victim captures the essence of inter-personal relations, the destruction of which is conducive to an injury on the part of indirect victims.”<sup>12</sup> The SCC clarified that this applied to all persons who claimed to be indirect victims, regardless of whether they were family or not.

The SCC accepted the appeals of 10 out of the 22 Civil Parties whose claims the Trial Chamber had rejected. This brought the final number of admitted Civil Parties in Case 001 to 74, including the 64 admitted by the Trial Chamber, and the additional 10 admitted on appeal by the Supreme Court Chamber.

These developments in Case 001 necessitated changes before the start of Case 002 in order to avoid a situation where Civil Party applications would be rejected after years of proceedings, especially considering that applicants in the latter case numbered over 4,000. Therefore, the Plenary amended the rules in February 2010 such that Civil Party admissibility would now be determined at the end of the judicial investigation by the Pre-Trial Chamber.

---

<sup>10</sup> Supreme Court Chamber, Summary of Appeal Judgement: Case File 001/18-07-2007-ECCC/SC (KAING Guek Eav) (3 February 2012), F26/3, para. 59.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid, para. 53.

To become a Civil Party, a person must show that they have suffered some type of harm as a direct result of crimes alleged in a particular case before the ECCC. Once a person is recognized as a Civil Party, that person becomes a “party” to the proceedings.

While the participation of victims as Civil Parties originates in Cambodian domestic law, this system as provided for in domestic procedure was not designed for large trials dealing with mass crimes such as those at the ECCC. The ECCC’s Plenary has modified the Internal Rules several times to address such challenges. The Rules have been revised nine times as of writing, and the most significant revisions concerning Civil Parties occurred during the Plenary in February 2010.

A major challenge in Case 001 was balancing the right of victims to participate with that of the Accused to a fair trial. Civil Parties relied upon their rights to ask questions to witnesses and the Accused, which had previously considerably lengthened the duration of the proceedings, and the Trial Chamber gradually limited the capacity for Civil Party lawyers to intervene in Case 001.<sup>13</sup> Other challenges, as noted by Trial Chamber Judge Jean-Marc Lavergne in his dissenting opinion on 9 October 2009,<sup>14</sup> argued

that the ECCC mandate was limited in time, that the ECCC does not have a trust fund, that the proof of mass crimes is different from the proof of thousands of individual crimes, that conducting a trial in a reasonable time is incompatible with the involvement of large numbers of Civil Parties, and that it was important to ascertain the admissibility of a potentially large number of applications.

At the Plenary in February 2010, several amendments were implemented to ensure more effective and streamlined Civil Party participation.<sup>15</sup> The Internal Rules therefore saw the introduction of Rule 12 ter and Rule 23 ter. The new procedures were intended to “balance the rights of all parties, to safeguard the ability of the ECCC to achieve its mandate while maintaining Civil Party participation, and to enhance the quality of Civil Party representation.”<sup>16</sup> The changes introduced a distinction between individualized Civil Party participation during the preparatory phases and the trial stage, where all the Civil Parties would form one, consolidated group whose interests would be represented by the Lead Co-Lawyers for Civil Parties (CPLCLs). This shift was further confirmed by the Trial Chamber at the outset of Case 002, when it found:

<sup>13</sup> Trial Chamber, Transcript of Trial Proceedings - Kaing Guek Eav “Duch” (Public) (22 June 2009), E1/35.1, p. 98.

<sup>14</sup> Trial Chamber, ‘Dissenting Opinions of Judge Lavergne, Judge of the Trial Chamber’, Decision on Civil Party Co-lawyers’ joint request for a ruling on the standing of Civil Party lawyers to make submissions on sentencing and directions concerning the questioning of the accused, experts and witnesses testifying on character (9 October 2009), E72/3, pp. 13-26.

<sup>15</sup> ECCC, Press Release: 7th Plenary Session of the ECCC Concludes (9 February 2010), accessible at: <[https://www.eccc.gov.kh/sites/default/files/media/Press\\_Release\\_Conclusion\\_7th\\_Plenary\\_Session\\_%28ENG%29.pdf](https://www.eccc.gov.kh/sites/default/files/media/Press_Release_Conclusion_7th_Plenary_Session_%28ENG%29.pdf)>.

<sup>16</sup> Ibid.

<sup>17</sup> Trial Chamber, Severance Order Pursuant to Internal Rule 89ter (Case 002) (22 September 2011), E124, para. 8.

---

Under the applicable legal framework, Civil Parties no longer participate individually on the basis of their particular harm suffered, but instead comprise a consolidated group whose collective interests are represented by the Civil Party Lead Co-Lawyers during the trial stage and beyond. Limiting the scope of facts to be tried during the first trial accordingly has no impact on the nature of Civil Party participation at trial, and their formulation of reparations claims made on their behalf by the Lead Co-Lawyers.<sup>17</sup>

---

According to the adjusted rules, Civil Parties, in order to participate in proceedings, continue to be represented by a Civil Party lawyer at all times, from the issuance of the Closing Order onwards.<sup>18</sup> Where Civil Parties choose to, they may form groups and choose to be represented by a common lawyer drawn from the list held by the VSS. The VSS, along with either the Co-Investigating Judges or the Chambers, will take all reasonable steps to ensure that in this selection of common lawyers, the interests of Civil Parties are represented and that any conflict of interest is avoided.<sup>19</sup> During the pre-trial stages, Civil Parties participate in the ECCC proceedings individually, and they have the right to be represented by Civil Party Lawyers. According to the rules revision however, once a case reaches the trial stage, Civil Parties will form one “consolidated group,” whose interest will be represented as a single entity by two Civil Party Lead Co-Lawyers (CPLCLs). From this point, the Civil Party Lawyers support the work of the CPLCLs, and they also serve as a contact point for the individual Civil Parties.

Under the amended rules, the CPLCLs represent the interests of the “consolidated

group” of Civil Parties. The Lead Co-Lawyers comprise one Cambodian and one international CPLCL, who are selected and funded by the ECCC.<sup>20</sup> The CPLCLs carry out their duties in close consultation with the Civil Party Lawyers who are representing the admitted Civil Parties. The Civil Party Lawyers support the CPLCLs in the representation of the interests of the consolidated group. Such support may include oral and written submissions, examination of their clients and witnesses, and other procedural actions. The CPLCLs endeavor to seek the views of the Civil Party Lawyers to reach consensus in order to coordinate the representation of Civil Parties at trial.<sup>21</sup> The CPLCLs bear ultimate responsibility to the Court for the overall advocacy, strategy, and in-court presentation of the interests of a consolidated group of all recognized Civil Parties, who are subsequently treated as a single entity. Their functions take effect once the Trial Chamber is seized of a case, and they must act jointly in all matters, unless they have decided jointly to delegate authority to a single CPLCL for handling a particular matter.<sup>22</sup> The CPLCLs, in ensuring the effective organization of Civil Party representation during the trial stage and

beyond, aim to balance the rights of all parties and the need for an expeditious trial.<sup>23</sup>

During the trial, the CPLCLs can present preliminary objections and respond to preliminary objections that have been raised by the parties,<sup>24</sup> and request the Chamber to summon or hear any witness, and receive any new evidence they deem necessary.<sup>25</sup> The CPLCLs may question the accused person, witnesses, and experts, with the President of the Chamber deciding on the order of appearance of the parties.<sup>26</sup> Furthermore, they can make written submissions,<sup>27</sup> make closing statements at the end of a case, and appeal the verdict and the decision on reparations.<sup>28</sup> Where the Co-Prosecutors have appealed, Civil Parties acting through the CPLCLs can appeal the verdict but may not appeal the sentence.<sup>29</sup>

Outside of the CPLCLs' rights at trial, they have chosen to issue requests and on occasion press releases on certain issues. In Case 002/01, the Trial Chamber refused to allow the CPLCLs the opportunity to make a brief opening statement, during which they hoped to account for the composition of the consolidated Civil Party group. In response, the Civil Party Lawyers and the international Lead Co-Lawyer at the time

issued a press release deploring the position of the Chamber, and emphasizing the symbolic value that their intervention could have had.<sup>30</sup>

Civil Parties are entitled to give documentary evidence and testimony in the courtroom like other fact witnesses or experts. Across both trials in Case 002, a total of 278 individuals testified in the trial proceedings, including 95 Civil Parties, or about 34% of all testimonies.<sup>31</sup> They testified in every segment of the trial, including with regards to the charges of genocides of ethnic and religious minorities and acts of gender-based violence in the form of forced marriages. The lengthy, detail-oriented process of judicial investigations — including in Cases 003 and 004 which did not proceed to trial — necessitated the gathering of hundreds of thousands of pages of documents, including testimonies of victim-survivors participating as fact witnesses, Civil Parties, or complainants. These testimonies, as well as documentary evidence gathered by investigators interviewing victim-survivors, have been made available throughout the trials and now may be used as educational and informational resources for future generations to learn more about the suffering of the past.

---

<sup>18</sup> ECCC Internal Rules, Rule 23ter (1).

<sup>19</sup> ECCC Internal Rules, Rule 23ter (3)(c).

<sup>20</sup> ECCC Internal Rules, Rule 12ter (4).

<sup>21</sup> ECCC Internal Rules, Rule 12ter (3).

<sup>22</sup> *Ibid.*

<sup>23</sup> ECCC Internal Rules, Rule 12ter (1).

<sup>24</sup> ECCC Internal Rules, Rule 89.

<sup>25</sup> ECCC Internal Rules, Rule 87(4).

<sup>26</sup> ECCC Internal Rules, Rule 90(2).

<sup>27</sup> ECCC Internal Rules, Rule 92.

<sup>28</sup> ECCC Internal Rules, Rule 105(1).

<sup>29</sup> *Ibid.*

<sup>30</sup> Civil Party Lawyers and International Lead Co-Lawyer, Press Release: Civil Parties silenced once again before the ECCC (16 November 2011), discussed in Marie Guiraud, *Victims' Rights Before the ECCC: A Mixed Record for Civil Parties* (November 2012), FIDH, p. 47.

<sup>31</sup> Caitlin McCaffrie and Daniel Mattes, *Another Trial: A Review of Case 002/02* (14 November 2018), WSD HANDA Center for Human Rights and International Justice at Stanford University and the East-West Center, p. 26.



A total of 26 reparations project have been recognized, and implemented in the three trials which have concluded at the ECCC. In Case 001, two reparations projects were accepted and implemented. In Case 002/01, 11 reparations projects were acknowledged and implemented, and in Case 002/02, 13 projects were ultimately recognized and implemented. The summary

of Dr. Christoph Sperfeldt’s keynote speech at the May 2022 workshop later in this report also covers these projects in greater detail. These 26 projects are detailed in the table below and tables on the next pages, along with the organizations or institutions which implemented each of them, as well as the donors who funded each project.

CASE 001

● INCLUSION OF CIVIL PARTIES’ NAMES IN THE CASE 001 VERDICT

Implementing Partner	Donor
ECCC	n/a

● COMPILATION AND PUBLICATION OF KAING GUEK EAV’S STATEMENTS OF APOLOGY AND ACKNOWLEDGEMENTS OF RESPONSIBILITY

Implementing Partner	Donor
ECCC	German Federal Foreign Office / GIZ

● NATIONAL DAY OF REMEMBRANCE

Implementing Partner	Donor
Royal Government of Cambodia	n/a

● MEMORIAL FOR KHMER ROUGE VICTIMS: "FOR THOSE WHO ARE NO LONGER HERE"

Implementing Partner	Donor
Sera ING, ANVAYA Association, Embassy of France, OUBA SAS, ACYC SARL Architects	Republic of France, Ms. Catherine Quere (French MP), Mr. Avi Assouly (French MP), ANVAYA Association, Embassy of France, OUBA SAS, ACYC SARL Architects

● MOBILE EXHIBITION ON FORCED TRANSFER & TUOL PO CHREY

Implementing Partner	Donor
Kdei Karuna and Youth for Peace	BMZ/GIZ, German Institute for Foreign Relations, Narrowcasters Pty. Ltd.

● NEW CHAPTER ON FORCED TRANSFER & TUOL PO CHREY IN TEACHER'S GUIDEBOOK

Implementing Partner	Donor
Documentation Center of Cambodia	BMZ/GIZ

● PUBLICATION AND DISTRIBUTION OF CASE 002/01 JUDGEMENT

Implementing Partner	Donor
VSS, Public Affairs Section	BMZ/GIZ, Public Affairs Section, Ambassador David Scheffer

● TESTIMONIAL THERAPY  
● SELF-HELP GROUPS  
FOR REHABILITATION

Implementing Partner	Donor
Transcultural Psychosocial Organization	BMZ/GIZ, Stiftung Kriegstrauma Therapie, Commonwealth of Australia

● PERMANENT EXHIBITION  
ON FORCED TRANSFER  
& TUOL PO CHREY

Implementing Partner	Donor
Documentation Center of Cambodia	BMZ/GIZ

● COMMUNITY PEACE LEARNING  
CENTER IN SAMRAONG KNONG

Implementing Partner	Donor
Youth for Peace	Swiss Agency for Development and Cooperation

● ILLUSTRATED CIVIL  
PARTY STORYBOOK

Implementing Partner	Donor
Cambodian Human Rights Action Committee	BMZ/GIZ

● PUBLICATION OF CIVIL PARTY  
NAMES ON ECCC WEBSITE

Implementing Partner	Donor
VSS, Public Affairs Section	n/a



← Civil Party Ms. Im Vannak testified about her sufferings before the Extraordinary Chambers in the Courts of Cambodia in Case 002/02 against Nuon Chea and Khieu Samphan on 3 April 2015.



← 30 June 2011: The Co-Prosecutors during the last day of the Case 002 initial hearing.



← Survivors of the S-21 Security Centre, and the civil parties receive the appeal judgement in Case 001, and the compilation of statements of apology made by Kaing Geuk Eav alias Duch during the proceedings on 18 May 2012.

In the most recent trial in Case 002/02, 14 reparations projects were proposed finally, based on external funding sources and many were implemented even before the issuance of that case's trial judgment.<sup>32</sup> These 14 projects focused on several themes, relating to commemoration, rehabilitation, guarantees of non-repetition in the form of education, and memorialization. On 16 November 2018, the Trial Chamber issued its judgment finding Nuon Chea and Khieu Samphan guilty, and sentencing them each to life imprisonment. In the judgment,

13 of the 14 proposed reparations projects were approved. The only project not approved was one focused on the experience of indigenous people under the DK regime, which the Trial Chamber did not relate enough to the crimes for which the Accused were convicted in Case 002/02. Other projects which were proposed at earlier stages of the trial were removed from the final claims by the CPLCLs, primarily because fully project funding could not be adequately secured.

---

<sup>32</sup> In consultations with relevant civil society representatives before, during, and after the May 2022 workshop, the report's authors were made aware that Reparation Project 12 listed in the table on the next page, titled, "Legal and Civic Education for

Minority Civil Parties" has not been implemented. The ECCC has obligations in its residual phase, according to Article 2 of the Addendum, to undertake a review and follow-up of all court-ordered reparations projects, including Case 002/02 Reparation Project 12.

● APP-LEARNING ON  
KHMER ROUGE HISTORY

Implementing Partner	Donor
Bophana Center	EU through UNOPS, Rei Foundation

● KHMER ROUGE HISTORY  
EDUCATION THROUGH TEACHER  
AND UNIVERSITY LECTURER  
TRAINING AND WORKSHOPS

Implementing Partner	Donor
DC-Cam	EU through UNOPS

● PHKA SLA KRAOM ANGKAR:  
FORCED MARRIAGES UNDER  
THE KHMER ROUGE REGIME

Implementing Partner	Donor
Khmer Arts, KDK, TPO, Bophana	Swiss Development Cooperation, BMZ/GIZ, USAID

● VOICES FROM ETHNIC  
MINORITIES: PROMOTING  
PUBLIC AWARENESS ABOUT THE  
TREATMENT OF ETHNIC MINORITIES  
DURING THE KHMER ROUGE REGIME

Implementing Partner	Donor
KDK	GIZ-CPS, Embassy of Switzerland in Bangkok

● MEMORY SKETCHES OF  
KRAING TA CHAN PROJECT

Implementing Partner	Donor
YFP and PIC	International Coalition of Sites of Conscience

● **THE TURTLE PROJECT:  
INNOVATIVE CROSS MEDIA  
PROJECT, PROMOTING HISTORICAL  
AWARENESS AND CIVIL COURAGE**

Implementing Partner	Donor
Cambodian-German Cultural Association	EU through UNOPS, German Institute of Foreign Relations (IFA)

● **COMMUNITY MEDIA  
PROJECT: THE CHAM PEOPLE  
AND THE KHMER ROUGE**

Implementing Partner	Donor
Cambodian-German Cultural Association	Embassy of Switzerland in Bangkok, Heinrich Böll Foundation

● **THE UNHEARD STORIES OF  
CIVIL PARTIES PARTICIPATING  
IN CASE 002/02 AT THE ECCC**

Implementing Partner	Donor
CHRAC	Heinrich Böll Foundation

● **A TIME TO REMEMBER:  
SONGWRITING CONTEST 2016,  
INVOLVING YOUTH IN THE  
CREATING OF CAMBODIA'S  
REMEMBRANCE SONG**

Implementing Partner	Donor
YRDP	GIZ-CPS

● **ACCESS TO THE JUDICIAL  
RECORDS OF THE KHMER ROUGE  
TRIALS AND CIVIL PARTY MATERIALS  
AT THE LEGAL DOCUMENTATION  
CENTER RELATED TO THE ECCC (LDC)**

Implementing Partner	Donor
Council of Ministers of RGC	RGC, with building funded by Embassy of Japan

● IMPROVING THE HEALTH AND MENTAL WELLBEING AND REDUCING THE RISK OF POVERTY AND SOCIAL EXCLUSION OF SOME CIVIL PARTIES AND OTHER VULNERABLE OLDER PEOPLE IN CAMBODIA [RECOGNIZED ONLY PARTIALLY]

Implementing Partner	Donor
HelpAge Cambodia	EU through UNOPS, Swiss Development Cooperation

● PROMOTING HEALING AND RECONCILIATION IN CAMBODIA THROUGH PSYCHOSOCIAL INTERVENTIONS

Implementing Partner	Donor
TPO	USAID

● LEGAL AND CIVIC EDUCATION FOR MINORITY CIVIL PARTIES

Implementing Partner	Donor
Minority Rights Organization	GIZ-CPS

The VSS has also implemented several non-judicial measures as outlined in the Internal Rules. These measures are initiatives and programs that have been identified and implemented for the broader benefit of victims of the Khmer Rouge, and are implemented outside of the ECCC’s judicial proceedings. Therefore they are distinct from the reparations projects proposed by Civil Parties, which are approved by the Trial Chamber when deciding the verdict of a case.

One such project, “Promoting Gender Equality and Improving Access of Justice for Female and Gender-based Violence (GBV) Survivors of the Khmer Rouge Regime,” ran from 2016 to 2019. This project was implemented by the VSS in cooperation with the Transcultural Psychosocial Organization (TPO), and was financially supported by the UN Trust Fund to End Violence of Women. The project focused on access to justice and victims’ participation, psychological interventions, aware-



ness raising, and capacity building on gender. In total, the project helped 2,200 female Civil Parties and other GBV survivors to participate in the ECCC’s judicial proceedings, provided psychological treatments to around 300 GBV survivors, conducted outreach and educational activities to thousands of people, especially from younger generations, and provided training on gender sensitivity to hundreds of lawyers, legal officers, and NGO staff.<sup>33</sup>

The ECCC also signed a Memorandum of Understanding in 2014 with the Ministry of Culture and Fine Arts, for the establishment of a memorial located at Tuol Sleng Genocide Museum (TSGM), commemorating the victims who died there during the Khmer Rouge. The memorial was inaugurated in March 2015, with funding from the German Ministry of Economic Cooperation and Development and the GIZ, through the VSS.<sup>34</sup>



↑ Conference on “Reparation for victims of the Khmer Rouge Regime” at Sunway Hotel, Phnom Penh on 26 November 2008.

<sup>33</sup> Julian Poluda, Sineth Siv, and Sotheary Yim, Final Evaluation Report: Promoting Gender Equality and Improving Access to Justice for Female Survivors and Victims of Gender-Based Violence under the Khmer Rouge Regime: Final Evaluation of the ECCC Non-Judicial Gender Project (Phase 2) (September 2019), VSS/ECCC, accessible at: <[https://eccc.gov.kh/sites/default/files/reports/UNTFVAW\\_Cambodia\\_VSS\\_TPO\\_Final%20Evaluation%20Report%207Oct2019.pdf](https://eccc.gov.kh/sites/default/files/reports/UNTFVAW_Cambodia_VSS_TPO_Final%20Evaluation%20Report%207Oct2019.pdf)>.

<sup>34</sup> ECCC, Press Release: Inauguration of the Memorial to Victims of the Democratic Kampuchea Regime at Tuol Sleng Genocide Museum (24 March 2015), accessible at: <<https://www.eccc.gov.kh/sites/default/files/media/VSS%20Press%20Release%20TuolSleng%20Memorial%20EN.pdf>>.

# ORIGINS AND GOALS FOR A WORKSHOP ON VICTIMS

This prominent role for victims in the judicial proceedings — from their applications through to the reparations and non-judicial measures — is the foundation for continued work in support of victims as the Court’s judicial processes come to a close and the transition to the ECCC’s residual mandate begins. In order to implement the residual mandate articulated in the Addendum, the ECCC instituted a process which eventually resulted in the Victims Workshop which is the subject of this report. That process followed a number of phases of careful preparation in order to ensure both transparency and the broadest possible consultation within the limits of time and resources. Beyond internal planning, the first of these was the commissioning of a report with recommendations for the aspect of the residual phase that will deal with victim-related issues.

Thus, in anticipation of the projected completion of judicial work at the ECCC in the fourth quarter of 2022, two ECCC judges, YOU Ottara and Claudia FENZ, were appointed by the Office of Administration on 2 July 2021 as “Co-Rapporteurs on Residual Functions related to victims.” In relevant part, their mandate was to develop recommendations for activities and initiatives in the residual phase of the ECCC that would be “appropriate to and meaningful for victims encompassed in the jurisdiction of the Extraordinary Chambers.” Because of its generality, this formulation left the two judges considerable leeway as to how to implement such a mandate. Among other things, it left to the judges how to define key terms such as “victim” or “initiatives.” These terms were in fact defined by the judges in such a way as to create a broad opportunity for CSOs to engage with the residual phase. The word “victim,” the invitation for proposals stated, was to be “interpreted broadly” and “not limited to those who participated in legal proceedings before the ECCC.”<sup>35</sup>

<sup>35</sup> ECCC, Co-Rapporteurs on Victims: Call for Contribution of Ideas (2 September 2021), accessible at: <[https://www.eccc.gov.kh/sites/default/files/publications/Co-RapporteursVictimsCallForContribution\\_compressed.pdf](https://www.eccc.gov.kh/sites/default/files/publications/Co-RapporteursVictimsCallForContribution_compressed.pdf)>. p. 2.

<sup>36</sup> Ibid, p. 1.

To implement their mandate, the Co-Rapporteurs, in September 2021, invited civil society organizations, academic researchers, and individuals to make submissions that would both inform their report and also provide a starting point for concrete project proposals that might be implemented through the process detailed in their recommendations. The challenge posed to those making submissions was to explain how their proposals “would be meaningful and of lasting assistance for Civil Parties, victims of the Khmer Rouge regime, and the general public.”<sup>36</sup> These three groups go well beyond the literal scope of the “victims” mentioned in the mandate and, indeed, of the even more restrictive language of Article 2 of the Addendum, referenced above. It is to the credit of the Co-Rapporteurs that, in seeking to engage civil society through the solicitation of submissions, they did so in a manner that could provide for a robust framework that could be of enduring importance, not only for the generation of Cambodians that endured the suffering caused by the Khmer Rouge, but also for their families and Cambodian society writ large.

In order to encourage participation and to make clear the broad range of proposals that might be submitted, the co-rapporteur judges enumerated a set of factors that those making submissions “might wish to keep in mind.” Even a brief consideration of the factors indicates the way in which the judges opened the door for a full range of engagement with the legacy of the Khmer Rouge as it continues to impact Cambodians. The factors to be kept in mind include:

---

**The scope of the events and nature of crimes committed which impacted the majority of the population at the time and whose consequences continue to be felt today. The fact that more than half of the Cambodian population today was not born at the time of the events. The existence of projects which might be built upon, including those which have already been implemented as reparation awards and non-judicial measures. The initial period for the residual functions is envisaged as being three years.**

---

Among other points that stand out from this formulation is the inclusion of existing reparations. As if to underscore and further expand the desired breadth of submissions, the call for submissions further provides that, “Possible target groups of the initiatives might include, but are not limited to direct victims and their descendants, teachers, domestic and international students and academics of various disciplines, the general public, and the media.”<sup>37</sup> This language fleshes out the three groups (civil society, victims, and the public) previously mentioned in the call for proposals and in particular makes clear that international and national educational institutions as well as media are encompassed within the projected residual activities directed towards victims.

While the submissions themselves and the Report of the Co-Rapporteurs will be considered in detail below, it is the broad framework established by the Co-Rapporteurs that informed the design of the Victims Workshop, to which we shall now turn.

The Report of the Co-Rapporteurs was submitted on 1 December 2021. On 17 March 2022, the ECCC published the Advisory Report by the Co-Rapporteurs on Residual Functions related to Victims. The Advisory Report, along with its annex containing the contributions from stakeholders, can be found in full at the footnoted link.<sup>38</sup> The submissions to the Co-Rapporteurs are also discussed in detail later in this report in III. Submissions to Co-Rapporteurs and Findings of Co-Rapporteurs, and they are annexed in full in this report in Annex VI.

Among other things, the Advisory Report called for the ECCC to engage in dialogues with stakeholders. Adopting this recommendation of the Co-Rapporteurs, the ECCC decided to organize a Victims Workshop to be held in May 2022. The design of the Workshop was thus informed by the Report of the Co-Rapporteurs and the submissions that the Co-Rapporteurs had received following their call for proposals. In order to provide independent input for the development of the Workshop structure and agenda the ECCC solicited applications for three consultant positions: Moderator, Coordinator, and Facilitator (see Annex II for the original calls for expressions of interest for the three positions). As a result of this open application process, David Cohen, Daniel Mattes, and Sangeetha Yogendran were selected for these three positions, respectively. The Coordinator, Daniel Mattes, had primary responsibility for day-to-day preparation of the workshop, interface

<sup>37</sup> Ibid, p. 2.

<sup>38</sup> Judges You Ottara and Claudia Fenz, Advisory Report: Victim-Related Activities of the ECCC during the Residual Phase (1 December 2021), ECCC, accessible at: <[https://eccc.gov.kh/sites/default/files/publications/EN-Advisory-Report-2022\\_web\\_2.pdf](https://eccc.gov.kh/sites/default/files/publications/EN-Advisory-Report-2022_web_2.pdf)>.

with the ECCC administration, ongoing consultation with NGOs, Civil Parties, and other groups and individuals planning to participate. The Facilitator, Sangeetha Yogendran, building upon her deep experience with Cambodian civil society and Civil Parties at the ECCC, was also significantly engaged in the preparation process and oversaw a team of eight in-house facilitators who would lead the group discussions during the workshop. At this stage, the Moderator, David Cohen, engaged mainly in discussions of agenda setting, selection of keynote speakers, and refining the articulation of the goals of the workshop and how they could best be achieved.

The immediate purpose of the Workshop was to implement the recommendation of the Co-Rapporteurs for opening a dialogue with stakeholders regarding their engagement in the residual phase of the ECCC pertaining to victims as defined above. The framework for such engagement was the terms of the Mandate that have already been discussed. The challenge for the organizers was to create a framework that fit within the parameters of the Mandate, as interpreted by the Co-Rapporteurs, but that would also ensure as broad participation of civil society and Civil Parties as possible so that all voices, stakeholder groups, and interested parties, both national and international, would be represented in submissions to take part. The overarching goal was to encourage and facilitate the active and constructive development of proposals for projects and initiatives that would both identify the most important needs and opportunities for victim-related activities and also provide a platform through which realistic and fundable proposals might best be developed. A concomitant goal was to design the workshop in such a way that the various stakeholder groups would work together rather than compete with each other in the identification of needs and development of proposals to address them.

The Co-Rapporteurs' recommendation of "dialogue" was thus interpreted broadly to encompass productive dialogue among the stakeholder groups as well as dialogue with the ECCC and with the potential funders as represented by RGC institutions, international funding organizations, and embassies representing member-states of the "Friends of the ECCC" donor group. In order to provide for the dialogue, and the Workshop overall, to be as constructive and productive as possible, the Moderator, Coordinator, and Facilitator worked closely and continuously with the ECCC Administration. This work encompassed all aspects of preparation and design,

including selection of the venue, the seating arrangements most conducive to discussion, the key themes around which to frame the groupings of participants, the keynote speakers, the ways in which to engage external stakeholders (e.g. government officials, embassies, etc.) and so on. The decision of the ECCC to engage outside parties to take the lead in preparation and design of the workshop resulted in robust deliberation and discussion over how best to meet the articulated goals and fulfill the mandate of dissemination of information with the participation and for the benefit of the victims, Civil Parties, witnesses, and the public as interpreted and defined in the Report of the Co-Rapporteurs.

From this perspective, the workshop provided an opportunity to continue the deep previous engagement of the ECCC with victims, witnesses, and Civil Parties through its many years of activities around reparations, community outreach, and witness and victim protection. The scope of the reparations implemented on the basis of the projects recognized by the Trial Chamber in Cases 001, 002/01, and 002/02, and their resonance in the Workshop will be considered below. Beyond the ECCC's reparations scheme and its integration of victims and Civil Parties into its proceedings, unique among previous tribunals, the ECCC since its earliest phase instituted the most effective program of community outreach yet achieved by any of the international or hybrid tribunals. Over 500,000 members of the public have attended a public hearing, study tour, or school lecture organized by the ECCC's Public Affairs Section (PAS) during the course of trial proceedings at the ECCC.<sup>39</sup> The ECCC thus already had extensive experience in dissemination of its proceedings to the Cambodian public and engagement with Civil Parties.

Because many of the activities in these areas were carried out through collaborations and partnerships between the ECCC and civil society organizations, the Workshop could benefit from and rest upon a significant foundation of experience in relevant areas. The Moderator, Coordinator, and Facilitator have all been heavily involved in such activities over the course of the ECCC's proceedings, thus providing a solid basis for cooperation on the Workshop design and implementation. The results of this cooperation are reflected in the details of the design and agenda of the Workshop, as well as in its proceedings, to which we will now turn.

<sup>39</sup> ECCC, Public Affairs Outreach Figures 2009 - 2017 (30 September 2017), accessible at: <<https://www.eccc.gov.kh/sites/default/files/Outreach%20statistics%20as%20of%20September%202017.pdf>>.



## THE MAY 2022 WORKSHOP ON VICTIMS: DESIGNS AND ACTIVITIES

---

064	First Steps: Instructions, Scheduling, Venues, Covid-19 Contingencies
070	Event Coordinator's Consultations before the Workshop
081	Workshop Secretariat and ECCC Support Team
085	Agenda and Participants
090	Discussion Groups
095	Keynote Speakers





As has already been discussed, Co-Rapporteur Judges You Ottara and Claudia Fenz’s call for the ECCC to undertake an open, consultative process in developing victim-related activities ahead of its imminent residual mandate led to the ECCC’s decision to organize a three-day workshop with victims, their representatives in civil society and the courtroom, and other key stakeholders. The ECCC determined that the Addendum tasked it with responding to the needs of victims of the Khmer Rouge regime and to disseminate information about the transitional justice process to the public. This workshop was organized as the starting point for a process to develop new programs and strengthen existing or prior ones centered on the needs of victims. In an effort to ensure the event’s organization was impartial and open, the ECCC hired three external consultants to design the program, organize the event itself, and report on the submissions and outcome. The ECCC ultimately held the “Workshop on Victims and Dissemination of the Advisory Report on Victim-Related Activities of the ECCC during the Residual Phase” over three full days, from 3 to 5 May 2022, at the Hyatt Regency in Phnom Penh.

← Opening day of Victims  
Workshop on 3 May 2022.

# FIRST STEPS: INSTRUCTIONS, SCHEDULING, VENUES, COVID-19 CONTINGENCIES

Workshop Coordinator Daniel Mattes began working full time on the event's organization in tandem with the ECCC Office of Administration in the last days of February 2022. He was provided with a desk at the ECCC, full access to ECCC resources, and support from various ECCC and UNAKRT staff, for the purpose of coordinating the workshop. Although based overseas, Moderator David Cohen and Facilitator Sangeetha Yogendran remained in close contact with the Coordinator by online means, and through regular weekly meetings with the Workshop Coordinator and with the Office of Administration (OA), represented by Knut Rosandhaug, Deputy Director of Administration, and Milan Jovančević, Programme Management Officer. Additional meetings took place on a more occasional basis with the national side of the OA, although the national side relayed its perspective to the Coordinator through the international side of the OA. The Moderator and Facilitator began in-person work upon their arrival in Phnom Penh the weekend before the workshop in early May.

Although the OA remained involved through regular coordination meetings, it was emphasized at an early stage and repeatedly thereafter that it was incumbent upon the Workshop Moderator and Coordinator (in particular) to determine all of the plans and details for the event. There was never any undue pressure or dictate from the OA regarding the design or management of the workshop. The OA repeatedly referred to its desire for transparency and impartiality in its reasoning for hiring external consultants to organize the workshop. The OA handled administrative, budgetary, and procurement processes itself. However, the OA outsourced the event's planning in the hope that such impartiality might result in greater "buy-in" from key civil society partners and victim representatives.

The Workshop Coordinator, Moderator, and Facilitator (hereinafter the “Secretariat”) relied on their networks among civil society actors working around the ECCC, and they sought to build on the trust they had developed in their personal and professional relationships. Instructions from the OA were simple: the goal of the event was to enable “free, open-minded, and genuine discussion which would provoke the audience to think.” The goal was to “organize voices” and “not to be a filter.” It was made clear that workshop attendees would be treated not as guests but as active participants sharing in the process and making their voices heard at this critical juncture.

The OA also proposed three principal themes related to victims: recognition, remembrance, and reconciliation. These thematic prompts for the workshop design developed some underlying questions of inquiry which the Secretariat would draw upon in the planning and the actual running of the workshop: in recognition of suffering and victimhood, there are definitional questions of victim status; in reconciliation within society today, there are dynamics to consider not only between traditional notions of victims and former perpetrators but also within families and communities or across generations; and with acts of remembrance, how can we exhibit history beyond [much-needed] physical structures alone, or recall the past without retraumatizing victims or forcing them to remain stuck in their past misery? These three principal themes thus became guideposts for the Secretariat in planning and facilitating the event. Although the OA raised the three themes initially, the Secretariat also was given complete freedom to draw upon the themes as it saw fit. As such, it was determined that the three days of the event would not be separated under each of the three themes, as the Secretariat felt that the three principles were cross-cutting and interrelated and preferred not to constrain participant discussions to hew too closely to a single principle on each of the days. Furthermore, the themes carried with each of them a certain subjective meaning on which all participants might not always agree. Rather, the three themes became a starting point for the workshop and were referenced throughout the keynotes and working group discussions.

Regarding the final report herein, the Secretariat was informed at the outset that this final report should provide as much detail as possible as a take-away summary of the workshop and of the projects related to victims which lay ahead. Outcomes from

the submission of this final report remain to be seen, but we are hopeful that the ECCC, the RGC, and international donors understand the present opportunity to build upon the networks developed at the workshop and the program ideas detailed in this report.

## SCHEDULING

01

Given this dual task of “organizing voices” and developing projects with “as much detail as possible” from a diverse range of victims, civil society organizations, and state institutions, it was quickly determined that the workshop would need to take place over the course of three days. This lengthy duration was needed to provide time for discussions and projects to develop and occur with time to digest and consider ideas from one another and from the event speakers. It was also meant to provide enough time for discussions while also leaving space in the schedule for multiple honorary speakers and keynote speakers to provide general remarks, thematic expositions, or ceremonial comments on the Court’s impending residual mandate.

Furthermore, the organizers determined that this workshop, acting as a launchpad for the new residual phase, would serve an important symbolic purpose in three ways which necessitated it be given adequate time and space. First, the workshop would be a chance to highlight and celebrate the work that victims, Civil Parties, and their representatives and advocates in civil society had accomplished in parallel with the 15+ years of judicial proceedings at the ECCC. Secondly, this workshop would be the

first opportunity for many of the participating stakeholders to be able to meet together again in an in-person conference following the two-year hiatus imposed on them by the Covid-19 pandemic. Finally, this event marked the very first time in its 15-year history that the ECCC itself organized a public workshop specifically focused on the needs of victims and on initiatives of both civil society and state institutions.

It was quickly determined that the event would need to take place in the first week of May 2022, due to the schedules of the workshop organizers and in an effort to hold the event before the mid-May public holidays in Cambodia and well ahead of the country’s scheduled 5 June 2022 commune elections. The workshop was thus set for three days from Tuesday, 3 May 2022, to Thursday, 5 May 2022. Working backwards, the Coordinator determined that an agenda would need to be largely planned by mid-March, a guest list would need to be finalized by the end of March, and invitations for national or international dignitaries would be delivered in early April, ahead of the lengthy Khmer New Year holiday. Digital invitations for other participants would be sent by late April at the very latest.

The procurement process for the workshop venue began right away as well. It was clear that the vast majority of the participating audience would be largely based in Phnom Penh, but that there would be long-time observers, advocates, and researchers interested in joining the event from abroad. It was therefore determined that the venue would need to meet minimum standards for internet speeds and for information technology capabilities which would work with the equipment of the Court's audiovisual (AV) and information and communication technology (ICT) units. This was also necessary as a contingency in light of the Covid-19 pandemic situation, which, although it was improving significantly in Cambodia as of March 2022

due to the country's very successful vaccination campaign, remained a liability for the planning of a large-scale, multiple-day, in-person, and indoor event. With plans afoot for high-level dignitaries due to attend the workshop as honorary speakers or keynotes (more below), it also became clear that security protocols for the venue would need to be evaluated during the procurement process. Beyond those exceptional needs for ICT and security, the venue would also need to provide seating capacity for up to 150 attendees and meals and refreshments typical for a day-long business conference. It was ultimately determined that the smaller working-group discussions would be held at round tables in the same hall as the plenary



↑ Moderator Dr. David J. Cohen presents his introductory remarks on day 1 of the workshop.

events, but during the planning stages, the Secretariat was considering the need to find venues with separate ‘breakout rooms’ in addition to the main conference halls. Finally, it was determined that the workshop ought to be held in the center of Phnom Penh, to ensure that attendees would be willing and able to join the event for all three days of the workshop. For this reason, the Secretariat determined that the ECCC campus, located on the outskirts of the capital, would not be an adequate venue.

After an initial round of research by the Secretariat, the UNAKRT procurement process began, following its standard operating procedure. Ultimately, it was decided that the Hyatt Regency Phnom Penh submitted the best bid and best met all the needs of those hotels responding to the request for proposals. While the Secretariat wondered at first whether the luxurious space would overshadow or intimidate the workshop’s participants, the Secretariat also heard from multiple participants that the Hyatt Regency’s central location, recent establishment, and service quality made them more interested in attending the workshop for all

three days rather than just one. The surrounding neighborhood with many affordable guest-houses also ensured that attendees coming to Phnom Penh from the provinces, including the participating Civil Parties hosted by the ECCC VSS, would be able to find a more economical accommodation in short walking distance.

Ultimately, the Hyatt venue was an ideal space for this particular workshop: multiple hotel staff were attentive to any needs; high-quality, brand new ICT equipment ensured minimal disruptions (with the exception of the final hours on the final day) and continued remote broadcast of the event; brand new ventilation systems meant that the room was properly clean and sanitary during an ongoing pandemic situation; the nearby location of the refreshments area, the hotel restaurant, and the restrooms ensured that elderly attendees did not need to walk long distances between the event spaces; and, the conference hall itself provided enough room, even with proper spacing, to switch seating formats from the plenary’s lecture seating to the working groups’ round-table discussions.

## CONTINGENCIES RELATED TO THE COVID-19 PANDEMIC

03

As mentioned above, the RGC has overseen a nationwide vaccination campaign of all Cambodian citizens and residents, resulting in an impressive rate of about 95% of the population fully vaccinated with at least two doses of the Covid-19 vaccine. As the pandemic situation began worsening in Cambodia in February 2021, the RGC also mandated a variety of changing regulations and standard operating procedures

regarding large indoor events such as weddings, conferences, and business meetings. It also tightened and loosened regulations over time in relation to the entry of Cambodians and foreigners from overseas. Although the Covid-19 situation and the changing regulations added some hurdles to planning this large-scale event featuring over 100 participants, including international guests, high-level dignitaries,

and elderly Civil Parties, the situation was fortunately improving steadily as the event dates drew closer and regulations were loosened. Nonetheless, contingencies were prepared for a potential online event using the KUDO platform described in the next section on information technology. Fortunately, this was unnecessary.

By March 2022, the RGC had begun to allow larger indoor events to take place provided that social distancing and mask-wearing was respected, and the Khmer New Year holiday events in mid-April 2022 took place without a significant spike in Covid-19 cases. By May 2022, fully vaccinated international guests were able to enter Cambodia without quarantine or proof of a negative PCR test or special Covid-19 insurance. Indoor events of this size were permissible as long as guests respected social distancing and wore masks while indoors,

unless they were speaking, eating, or drinking. The hotel also mandated its own policies, provided multiple hand sanitizer stations, and ensured respect for standard operating procedures on social distancing inside the hall. As an additional precaution given the high-level nature of the event and the presence of elderly Civil Parties, all the participants were required to show proof of vaccination upon registration. The ECCC's Security and Safety Section, led by UNAKRT's Covid-19 focal point Leo Fetiza, worked commendably and fastidiously in this regard. All participants were also recommended to perform a Covid-19 rapid antigen self-test on their own before and after the workshop. As far as the Secretariat is aware at the time of writing in July 2022, there were no incidents of Covid-19 reported among the participants and no spread of Covid-19 took place at the event.

# EVENT COORDINATOR'S CONSULTATIONS BEFORE THE WORKSHOP

In order to provide information about the upcoming Workshop and to begin discussions on potential programs related to victims, Coordinator Daniel Mattes first undertook consultations with key civil society organizations, state institutions, and longtime victim advocates or researchers attentive to the KRT process. The Coordinator also met with ECCC parties and with diplomatic representatives during these consultations. The aim was to build engagement and optimism for the workshop and the ECCC residual phase, to try to set expectations for the upcoming event, and to encourage potential participants to begin preparing for the event well in advance.

Those consultations at an early stage of planning allowed the Coordinator to hear and observe some key questions which continually recurred among civil society organizations which had not heard directly from the ECCC in a long time. Many voiced a similar kind of skepticism: “Why the sudden interest in victims? Why now?” The official response was that the negotiation process culminating in the Addendum to the UN-RGC Agreement had been a long one, filled with interest in supporting victims and public information-sharing but unable to undertake it until a final agreement was reached. It was made clear that this moment in mid-2022 would offer the first juncture in the ECCC’s history to hold an event like this, as the prior mandate of the Court was always focused on the judicial process and needed to ensure complete neutrality and respect for that process. The Coordinator attempted to relay this message, but he also sought to move beyond it by emphasizing the opportunities that victims’ representatives and civil society organizations now held before them.



This transitional period into the residual phase of the ECCC provides key stakeholders the chance not only to look back at lessons learned over the last 15+ years of the ECCC, but also to develop a shared vision of programs responding to the needs of victims which many felt had been forgotten or minimized. It was also a chance to reframe the long-held claim that the ECCC had not done enough for victims with a new starting question: what then do victims and their representatives want from the ECCC in this residual phase? How could that past disappointment be turned into a new victim-centered agenda?

Even with a healthy dose of skepticism, the participants consulted — particularly the local NGOs which have long been leading in the work of responding to victim requests — continually voiced a great deal of optimism and excitement as well. In the end, it was not particularly challenging to build interest in the workshop and the residual phase. After many years of wondering if the Court would involve them and after two years of pandemic separation, it seemed that longtime stakeholders and practitioners were brimming with ideas and plans to share at the upcoming event and in planning for making the most of the imminent residual mandate of the ECCC.

This section now summarizes the notable findings during those consultations which took place before the Workshop, either in person in Phnom Penh or online. We have synthesized points of common agreement across the consultations rather than summarizing each individual or organization with whom the Coordinator met.

First, there was a real excitement and awareness of the opportunity to expand the definition of victimhood beyond the legal definitions underpinning the Civil Party scheme of the judicial proceedings. With the conclusion of the ECCC's judicial process and the development of new programs for the upcoming residual phase, civil society representatives and ECCC parties both remarked on the opportunity to involve other “victims” beyond those recognized as Civil Parties in the cases. Some called for greater attention to be given to complainants in the cases and the coordination of a follow-up with them specifically. Others noted that young people suffer secondary and inherited trauma passed down from their parents and grandparents, particularly in families where the parents were forced to marry during the DK regime. Some advocates observed that lower-level perpetrators, and their children or grandchildren in

particular, could be included in programs in a continued movement toward greater reconciliation between individuals and nationwide.

However, this subject also led to other key challenges that were repeatedly raised: the obstacles of re-traumatization, the need for a “do-no-harm approach”, and matters of privacy and protection for survivors and witnesses or Civil Parties. Suyheang Kry, director of Women Peacemakers Cambodia (WPM), commented on the secondary trauma she observes in young people her organization works with. She explained that WPM is now developing guides on trauma, secondary trauma, and self-care for distribution, and building peer mediation program in schools, with some collaboration with the Ministry of Education, focusing first in high schools in Prey Veng, Kandal, and Phnom Penh. An international Civil Party lawyer working overseas noted his concern that the announcement of a new residual phase might raise the hopes of his clients and other survivors that the ECCC will undertake more satisfactory programs, only to disappoint them later. He emphasized the need for the Court to follow through on its announced plans and build guardrails into any programs to ensure that no further harm is done to victim-survivors who have already suffered. Megan Hirst and Pich Ang, the Civil Party Lead Co-Lawyers (CPLCLs) in Case 002, have also undertaken extensive filings on the subject of reclassification of Court records and the need for a comprehensive review of all documents in the case file pertaining to Civil Parties and witnesses.<sup>40</sup> They have pushed for every Civil Party to be contacted and specifically asked if there is any private information in their applications or victim information forms — such as names, addresses, telephone numbers, or factual statements — which they would like to be redacted before the records are made public. They observe that many victims mention former perpetrators who now live nearby in the same communities. The CPLCLs’ recent filings before the Supreme Court Chamber are due to be resolved later this year along with the announcement of the appeal judgment in Case 002/02, however the lawyers argue that more could be done now to jumpstart that heavy workload well in advance of the judgment. We spoke to multiple other Court parties, ECCC observers, and victim advocates in civil society who agree.

The reclassification issue is tied also to the open question of what will happen to the ECCC archives and where they will be placed. This question was raised by multiple institutions, ECCC

<sup>40</sup> Civil Party Lead Co-Lawyers, Request for Directions Regarding the Reclassification of Civil Party Documents (14 December 2021), F71.

parties, and Court observers. However, the OA explained repeatedly to the Coordinator that such questions on the long-term location and management of the archives would be determined separately from the Victims Workshop and the development of new residual phase programs on victims. Determinations on the archives are outside the scope of the workshop and this report. Although the Legal Documentation Center (LDC), Tuol Sleng Genocide Museum (TSGM), and the Documentation Center of Cambodia (DC-Cam) were all consulted and invited to the Workshop, they were invited in relation to their work on victim engagement and outreach, not on determining the long-term plans for the archives. Nonetheless, the consultations before the workshop and the discussions during the workshop demonstrated the importance of the archives not only to the longtime observers and practitioners, but also to the victims themselves, who see the archives as the embodiment of their memory, as a national heritage, and as a resource for education for future generations.

This lack of clarity regarding the archives is not the only area where advocates who were consulted took issue with the Court's communications and information-sharing. Multiple NGO representatives commented that they were not even aware that the ECCC was still active. It should be noted that if these NGOs which work on Khmer Rouge-related issues were not aware, it is even more unlikely the general public was aware that the ECCC was still completing its judicial process or about to open its residual phase. Two civil society advocates who work on peace-building across minority communities noted that the Case 002/02 trial judgment was a missed opportunity for sharing groundbreaking findings on the Khmer Rouge's targeting of the ethnic Vietnamese or the Cham Muslim communities. One NGO leader noted that Nuon Chea's final statements in the Case 002/02 trial were actually misused as propaganda to stir up anti-Vietnamese sentiments on a viral social media post. The ECCC failed to make any public comments in that moment and thus missed an opportunity to educate the public about the past as well as about its own findings. Independent researcher Laura McGrew observed that victims and Civil Parties in the rural parts of the country whom she had met on a recent visit had not heard any updates from the ECCC in such a long time that they were growing increasingly frustrated and angry with the Court. Multiple researchers and observers commented that this



← Mr. Chan Sath, a civil party in Case 002 speaks to participants at the closing ceremony on day 3 of the workshop.



← ECCC publications at the entrance of the workshop.



← Acting Director of Administration, H.E. Mr. Kranh Tony (right), and Deputy Director of Administration, Mr. Knut Rosandhaug (left), listen to speakers on day 3 of the workshop.

lack of public information — particularly during the two years of the Covid-19 pandemic since early 2020 — had handicapped the Court’s eventual legacy as it concludes Case 002/02 and enters its residual phase. One Court lawyer emphasized the need to follow a “Three C’s strategy” to communicate, coordinate, and cooperate, and called for the Court to share all materials with as many people as possible in this important moment of transition. This optimism must be met with clarity and transparency regarding what the residual phase can and cannot achieve. Victims’ expectations must not be raised now only to further disappoint them.

However, it must also be clarified that public information and outreach-based work is distinct from the legal information owed to Civil Parties by their lawyers representing them. This was raised in particular by Civil Party Lead Co-Lawyer Megan Hirst, but it was also reiterated by multiple others, including Court observers and monitors, international donors, and other lawyers, researchers, or staff working on rule of law issues. As parties to the proceedings and clients with legal representation in the proceedings, all nearly 4,000 Civil Parties (or their successors if they have passed away) are owed conversations with their lawyers. This effort must be undertaken as soon as the Case 002/02 judgment is handed down, but many observed the missed opportunity over the last three years to keep more survivors informed of the legal process underway in their case. Complainants also need to be given the follow-up they deserve, and it was unclear to many observers what has happened to them or how to find them. While the VSS has responsibility to manage and keep track of Civil Parties, it is unclear who has done or will do the same for complainants.

When it comes to the closed investigations in Cases 003, 004, 004/01, and 004/02, none of which moved to trial due to varied procedural reasons, many observers noted that they have heard of disappointment and confusion over the outcomes of these cases. It is unclear if the Civil Parties who were encouraged to apply to join those cases as recently as 2017 have been informed that they will not be proceeding to trial or that Case 002/02 will be the final judicial process of the Court. A representative of ethnic Khmer Krom communities noted that many Vietnamese or Khmer Krom Civil Parties feel regret that those cases are not proceeding, and that is only among the few of them who know the cases’ outcomes. They feel isolated, lonely, and stressed. The ethnic Vietnamese

community also raised issue with follow-up on a recognized reparation project from Case 002/02 which was meant to support the provision of identification documents for ethnic Vietnamese born and/or residing in Cambodia (Project 12, discussed above in footnote 33). Many of them are now at risk of statelessness, and the ECCC has not followed up to ensure this reparation project recognized by the Trial Chamber in that case is fully carried out. All of these examples have led to diminished trust that the ECCC will leave a lasting legacy or achieve a different outcome in its residual phase as it seeks to become more involved in the needs of victims.

Multiple parties from within the ECCC as well as international donors consulted suggested that the Court should build accountability, transparency, and oversight into its residual functions. One external observer asked if it could be possible to keep the residual function as minimal as possible and limit such a broad reading of its scope in the Addendum. In addition to presenting more proactive and public displays of its own accountability, observers and advocates called for the ECCC to be more involved in programs or initiatives from their start. Although many often remark on the redundancy or duplication of many Cambodian civil society projects, this siloing and separation could be resolved if a central institution like the ECCC would utilize its convening power and share its resources and insight at an early development stage. The ECCC, they said, sometimes forgets the adage to “not let the perfect be the enemy of the good.”

According to such views, the ECCC sometimes misses the opportunity to be involved in a smaller-scale, initial phase or pilot project because the program may not yet be applied nationwide or institutionally integrated with RGC partnerships or initiatives. This, however, misapprehends the opportunities and value which CSOs believe the ECCC could very much add. Rather than waiting for the perfect program to fall into its lap for its approval, the ECCC ought to go out and work with multiple good programs to strengthen them and provide the resources (human, technical, or financial) which they most need to succeed. The ECCC could better utilize its convening power to bring together NGOs with state entities or build collaborations across multiple like-minded CSOs. The NGO Kdei Karuna called for regular, scheduled consultations with all relevant stakeholders. Perhaps the Victims Workshop should just be the first of multiple, smaller-scale events for regular information-sharing in

a spirit of cooperation. This might reduce the kinds of redundancies or lack of sustainable continuity which often plague civil society networks, including in Cambodia.

Observers also remarked on the necessity of building good institutions and relationships with existing institutions in this search for sustainability and synergy. One organization explained how easy it was for them to work with the Bar Association of the Kingdom of Cambodia (BAKC), but that it was mostly because the current president, H.E. Ly Chantola, is especially interested and proactive. How then could CSOs build sustainable relationships beyond the interest of one entrepreneurial or effective leader alone? Multiple organizations are now shifting their interest toward the younger generations, and they therefore are eager to build or grow their relationships with the Ministry of Education, Youth, and Sports (MOEYS). WPM, TSGM, KDK, and DC-Cam are all just some of the organizations or institutions which have established relationships with the MOEYS. Others rely on international donors like the Raoul Wallenberg Institute (RWI) which are willing to fund gradual efforts at strengthening academia and civil society engagement on the rule of law. Nonetheless, the more that the ECCC talks about synergizing work across CSOs or between CSOs and state institutions, the more it helps with the momentum of change and greater cooperation. The director of Youth for Peace (YFP) was eager to see whether the Victims Workshop might motivate some potential partners to begin the collaborations which they have long planned together.

Based on such conversations it seemed that most CSOs were eager to be exposed to one another's proposals and ideas, especially after two years of the pandemic had made the arbitrary separations between the like-minded organizations feel even wider. KDK suggested a quarterly meeting with state and civil society actors involved in Khmer Rouge history education. In November 2021, that NGO also brought together such organizations in an initial discussion about the potential establishment of a Memory and Learning Center which would be a safe space for intergenerational dialogues and a joint program to gather oral histories across CSOs working in that area. Many other organizations, such as KDK, YFP, and Bophana Center, have developed or are developing relationships with the TSGM as a central hub for Khmer Rouge related history education, research, and outreach. However, TSGM noted that, even as it has developed more relationships with other organi-

zations and deepened its position within the Ministry of Culture and Fine Arts (MCFA) as a resource for DK-era archeological matters nationwide, it suffers from the basic challenge of a lack of human resources. TSGM has the interest and skills to widen its reach and its impact, but how could the residual phase of the ECCC assist them in finding and hiring more staff to undertake their much-needed research programs? DC-Cam's Anlong Veng Peace Center meanwhile has successfully established ties not only with their major funder, USAID, but also with ASEAN Ambassadors, and six key RGC ministries: Defense, Tourism, Culture and Fine Arts, Public Works, Rural Development, and Land Management. What insights have they experienced which could be shared with other organizations?

In their efforts to build relationships with state institutions or other collaborators, many stakeholders with whom the Coordinator consulted also emphasized their attention to the needs of youth and a movement focusing more on needs today than the past. This again harkened back to the earlier discussion on the expanding definition of 'victimhood', as greater emphasis is now being placed on the evolving needs of multiple generations of victims and their kin. WPM has stressed their efforts to build critical thinking into their education curricula on history, genocide, and peace. WPM explained that, in order to meet the repeated demand from survivors that atrocities "never again" take place, it is essential to build diverse historical narratives, peace education, and alternative dispute resolution at an earlier school level.

YFP observed the wide gap between young people and older victim-survivors, even as it found in prior surveys that older people felt relieved after sharing their stories at the various historical sites where YFP centers its work. This also gave young people the opportunity to ask questions and understand better why historical events took place. YFP also noted that localizing their work in specific communities and locations where crimes historically took place heightened interest in the past in those communities. This also aligned with the intensive work of DC-Cam in the Anlong Veng community, to build peace and greater understanding of the past not only nationwide but with particular attention to the former Khmer Rouge stronghold and with the involvement of the children and grandchildren of former Khmer Rouge cadres living there. Leaders from Bophana Center and DC-Cam described this similarly, and



they provided examples of their programs, from film trainings to public civic education, which sought to engage young people in examining their history. A representative of the Youth Resource Development Program (YRDP) explained that young people he works with are no longer willing to sit through a lecture from the ECCC about its trial proceedings or its arcane legal findings. He explained that CSOs and stakeholders seeking to engage youth in educational work or outreach programs bringing them together with victim-survivors must speak to them in a language, and with the innovative tools and media, which appeal to them.

Greater attention was thus given by multiple organizations toward developing transformational changes, both for youth to imagine a transformed future founded on the peace and post-conflict situation they have grown up in and for surviving elderly generations — many of whom are stuck in poverty or challenging circumstances. Even as CSOs hope to transform society with this generational change, others emphasized the need to transform the challenging situations in which many older victim-survivors find themselves.<sup>41</sup> KDK and the international advocacy organizations REDRESS and the Global Survivors Fund, which have undertaken a survey of victim-survivors of SGBV crimes in Cambodia, called for social services responding to the needs of elderly survivors. They request monetary contributions or access to the government’s “IDPoor” card scheme which waives medical costs and lowers food costs for the country’s poorest citizens.<sup>42</sup> Expanding these programs to survivors of SGBV and to survivors of the Khmer Rouge regime more generally would depend very much on institutional support from key RGC institutions such as the Ministry of Social Affairs, Ministry of Women’s Affairs, National Social Protection Council, or the National Social Security Fund. These kinds of longer-term initiatives also respond more effectively to the criticism of small-scale “projectification” of the ECCC’s judicial reparations scheme, an issue discussed in academic research,<sup>43</sup> which also was referenced in our consultations.

Even as the expansion of these institutional forms of social security or welfare programs remain out of reach, some CSOs have already taken on some of the work on their own shoulders in smaller pilot programs. KDK has conducted a pilot project on community self-care and training on basic counseling and mental health issues for groups of survivors. The Battambang-based

<sup>41</sup> Melanie Hyde, Emma Palmer, and Sarah Williams, Transformative Reparations for Sexual and Gender-Based Violence at the ECCC: Reflections, Recommendations and Next Steps (2014), Australian Human Rights Centre and the Asian International Justice Initiative.

<sup>42</sup> REDRESS, Cambodia: Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence (pending publication as of 15 July 2022); REDRESS, Global Survivors Fund, and Kdei Karuna, Reparations for Survivors of Conflict-Related Sexual Violence: Country Briefing: Cambodia (September 2021), accessible at: <[https://drive.google.com/file/d/1dm1XHmUg\\_tp8YT-FTb4kDiDrJmn5tlzcQ/view](https://drive.google.com/file/d/1dm1XHmUg_tp8YT-FTb4kDiDrJmn5tlzcQ/view)>.

<sup>43</sup> Christoph Sperfeldt and Rachel Hughes, The Projectification of Reparation, *Journal of Human Rights Practice* 12(3) (November 2020), pp. 545-565.

organization HelpAge Cambodia has continued to develop and support the establishment of older people associations (OPAs) as a parallel to victims associations encouraging younger generations to take care of their elders and fight ageism in intergenerational self-help communities. Similarly, DC-Cam has developed what it calls the “CamboCorps” of voluntary youth networks nationwide who conduct health checks and surveys of survivors and help to refer them to medical attention as needed.

The development of such similar programs across civil society with wide-ranging idealistic goals for future transformative change is important and inspiring, yet it remains an opportunity demanding greater synergy and integration. As Sopheap Chea from Bophana Center explained in our consultation meeting, reconciliation may just be a “dream” for some survivors, and forgiveness is a whole different question, but these are “real possibilities” for the younger generation. With all these discussions completed, the Coordinator and the rest of the Secretariat moved toward the May 2022 Workshop with a great deal of momentum and intention.

# WORKSHOP SECRETARIAT AND ECCC SUPPORT TEAM

In addition to these ongoing consultations which preceded and shaped the three days of the Workshop, both the national and international sides of the OA supported the Workshop Secretariat in the final weeks before the workshop with the assignment and secondment of 34 staff from within the ECCC to support the event. A key coordination briefing and meeting with the Acting Director and Deputy Director of the Office of Administration and the full support team was held about two weeks before the workshop, and the team actively undertook all final preparations from that point onward in a very cooperative and supportive manner.

Hang Vannak, chief of the Court's Victims support section (VSS), co-chaired the plenary sessions of the workshop alongside the Moderator and Lead Facilitator. The VSS also arranged the attendance and participation of 11 Civil Parties for all three days, as well as the attendance of the three surviving victims of S-21 Security Center at the workshop's opening ceremony. Keut Sokha, normally the officer-in-charge of the Court's Witness and Expert Support Unit (WESU), became a co-coordinator who worked closely with workshop coordinator Daniel Mattes to handle all major organizational details before and during the event. Eight facilitators were seconded from different offices of the ECCC to each help to lead and support discussions in the eight thematic working groups which met throughout the three days of the workshop (more on the working groups below). These eight facilitators prepared discussion methods, questions, and prompts under the leadership and oversight of Lead Facilitator Sangeetha Yogendran.

Staff from the national side of the Office of Administration assisted with registration and undertook an essential protocol plan for dignitaries joining the opening and closing sessions, to ensure that all participants were seated in a seamless and respectful manner. Three courtroom interpreters joined each day of the

Workshop to translate between Khmer and English for all plenary sessions, and to rotate between the smaller working groups during discussion sessions to provide Khmer and English interpretation as needed. They also provided interpretation when necessary for spontaneous needs, such as during lunch-break meetings. Their interpretation was also needed for the online broadcast of the event, as described below in the section on information technology. The Court's translators and transcribers have also provided essential support before and after the workshop, as have the team of the General Services Section who ensured the provision and transport of key equipment between the ECCC campus and the hotel venue.

The Public Affairs Section (PAS) handled the media strategy for the event. PAS chief Neth Pheaktra opened the workshop as the emcee for the opening session featuring the honorary speakers from the RGC, the ECCC, and the diplomatic community. PAS organized a press conference via Zoom on 2 May 2022, one day before the workshop opened, in order to brief the local media on the Addendum, expected dates for the announcement of the final judgment in Case 002/02, plans for the residual phase, and the goals for the Workshop on Victims. VSS Chief Hang Vannak and Workshop Coordinator Daniel Mattes joined the conference to summarize the goals for the event and answer any questions. PAS staff also arranged the attendance of local media, photojournalists or video crews to join the workshop's public sessions at its opening and close. Approximately ten journalists, photographers and videographers from the media and the public joined the workshop's opening sessions on 3 May 2022, and three returned for the closing sessions on 5 May 2022. PAS staff also photographed the full event for the pool, and they managed regular updates to the ECCC's website and Facebook and Twitter pages to keep the public informed on the event's activities. PAS also worked closely with the Coordinator to deliver press releases after the first and the last days of the Workshop, in both Khmer and English (all of which are included in this report's Annex IV), which resulted in media coverage of the workshop in local news outlets.

In addition to the Covid-19 safety planning and vaccination registration described earlier, the Court's Security and Safety section undertook an additional assessment of the security protocol of the venue, and made preparations for RGC representatives, ambassadors, and other high-level dignitaries and diplomatic staff



↑ Technical staff Mr. Dith Nimol (right), Mr. Khlok Soussolalin (center) and Mr. Heng Vichet (left).

to attend both the opening and closing sessions of the Workshop. Ten members of their team were present all three days and assisted with the registration of participants, the provision of participant badges, and the flow of participants at the venue.

Four members of the Court's audiovisual (AV) and information and communication technology (ICT) units prepared for weeks before the event and managed the very complex on-site information-technology needs of the workshop. The AV unit arranged and coordinated the provision of 200 handheld simultaneous interpretation devices and the infrared sensors required for their use. The AV and ICT units also managed the placement and relay of three cameras throughout the conference hall to ensure full recording of the event for the Court's records. These audiovisual recordings were also broadcast on livestreams during the workshop's public opening and closing sessions on the ECCC's Youtube and Facebook pages, and they continued to be broadcast to invited participants joining the event online via the online web-conference platform,

KUDO. The AV and ICT units also ensured that the two keynote speakers joining the event from overseas would be able to provide their live speeches to the audience through the KUDO platform.

The AV and ICT units prepared for weeks in advance to prepare and test the system to ensure that the keynotes would not have major technical problems, and they ensured that the event itself proceeded seamlessly. The AV unit also “stage-managed” the event to make sure that the three cameras captured any speaker — whether standing at the podium on the stage or at a table in the audience. Such speakers would then be displayed on the four LCD projector screens in the venue hall, recorded for the event’s records, and shown on KUDO to the invited online viewers. The AV unit also managed any videos or presentations which needed to be displayed on-screen during the week’s events. Thanks to the impressive work of the Court’s AV and ICT units, the Workshop had very limited technical malfunctions, and the Workshop was able to reach a cumulative 86 additional viewers on the KUDO online platform who joined for all or part of the three-day event. These units also enabled the PAS to draw upon audiovisual content for future public affairs needs, and also ensuring the Workshop would be recorded for posterity.

Although some equipment and materials were provided by the hotel venue, auxiliary equipment used for language interpretation or for AV and ICT needs came from the ECCC’s inventory and was effectively utilized at the workshop to avoid adding costs to the event’s overall budget. The subscription with KUDO preceded the event as well, so added costs for the use of that online platform were limited.

# AGENDA AND PARTICIPANTS

The agenda of the Workshop was formulated so as to address the needs and goals articulated in this report thus far. The event was held from 3 to 5 May 2022, from approximately 9:00AM to 5:00PM each day. The workshop was bookended by publicly accessible opening and closing sessions. Public access was permitted through the livestreams of the event online, and members of the press were invited to attend. The opening ceremony of the event on 3 May featured approximately 120 guests, including several dignitaries from the RGC, from diplomatic missions in Phnom Penh, and from international organizations. The Workshop organizers selected invited honorary speakers who represented key stakeholders in the ECCC's residual phase and who could address issues relevant to the implementation of victim-related programming pursuant to the framework of the Addendum and the Co-Rapporteurs' Report. The opening ceremony included welcoming remarks from H.E. Mr. Kranh Tony, Acting Director of Administration of the ECCC, H.E. Mr. Jacques Pellet, Ambassador of France and Co-Chair of the Friends of the ECCC, and H.E. Mr. Keo Remy, Delegate Minister attached to the Prime Minister, President of the Cambodian Human Rights Committee, and Permanent Vice Chairman of the Royal Government Task Force on the ECCC Proceedings. The Workshop Moderator, Dr. David Cohen, also introduced himself to the participants and then introduced a special video message from H.E. Dr. Beth Van Schaack, United States Ambassador-at-Large for Global Criminal Justice. In her brief video remarks, Ambassador Van Schaack noted, "With the establishment of residual functions of the ECCC, and with the encouragement laid out in the advisory report recommendations, you have a rare opportunity to ensure that efforts continue to be made to heal the wounds of those who have suffered."<sup>44</sup>

<sup>44</sup> The video recording of Ambassador Van Schaack's full remarks are available to view on the ECCC's Youtube page here: <[https://youtu.be/8PW14gKI\\_WY](https://youtu.be/8PW14gKI_WY)>.

The three days of the workshop were attended each day by more than 90 regular participants, including 15 Civil Parties. There was very little attrition among the participants overall; almost

everyone joined the workshop for all three days. Following the opening ceremony on 3 May, the workshop went into closed session, with no live-streaming on the ECCC website or social media channels and with access only for those invited to the workshop. The sessions were closed in order to facilitate intensive discussions between participants in the smaller working groups, to ensure that victim-survivors attending the event felt comfortable and safe in sharing their stories, and to provide some privacy for keynote speakers to speak more freely.

Although the workshop's main outputs would stem from the discussions in the working groups, it was also seen as important to provide the participants with insight from individuals independent of the workshop and with deep experience at the ECCC and other institutions related to the themes defining the workshop agenda. The five individuals selected as keynote speakers were asked to reflect upon their experience as it specifically pertained to important themes and issues that the workshop would take up. The underlying idea was that these distinguished keynote speeches would provide additional or new perspectives and inspiration for the participants that might assist them in their group work. The keynote speakers and their presentations will be discussed below in II. Keynote Speakers. In order to integrate the keynote speeches and the breakout group work the keynotes were followed by the work sessions of the thematic groups. In all, five working sessions of the groups took place and each session had an assigned goal designed to lead to the final formulation of each group's presentation of its results. The discussion groups came together first for a midpoint plenary session on the afternoon of 4 May, to mark the halfway point of the workshop and share ongoing discussions and questions with all the attendees in brief presentations from each of the working groups. Two more keynotes and two more discussion sessions followed that midpoint plenary, before the final plenary on the afternoon of 5 May.

Although closed to most of the public, all the live keynotes and the midpoint plenary presentations were viewable on the KUDO platform for limited international participants who were invited by the Secretariat. There were cumulatively 86 viewers on the KUDO online platform across the three days, including a large number of Cambodian students of law, history, and human rights at Paññāsāstra University of Cambodia (PUC) and at the Royal University of Law and



Economics (RULE). Guests also joined online from leading relevant international organizations and institutions, including the American Bar Association Rule of Law Initiative, Swisspeace, Global Survivors Fund, REDRESS, GD Alliance, Asia Justice Coalition, University of Melbourne, La Trobe University, European Union Institute, Harvard Law School, USAID, and the Embassy of Switzerland in Bangkok.

On the afternoon of 5 May, the workshop proceeded to its final plenary session wherein the discussion groups were asked to make final presentations of their discussions and share any project proposals to be submitted for consideration for the ECCC's coming residual phase. These submissions are discussed in detail below in II. Discussion Groups. This afternoon session was opened back up to the public with an online livestream again and the attendance of additional guests, including several representatives from diplomatic missions in Phnom Penh as well as a few journalists. The Workshop Secretariat decided to open up the closing plenary session to members of the diplomatic corps and the public in order to highlight the important proposals which the participants would be sharing, and to invite representatives of potential donors to hear directly from the potential partners or implementing organizations among the workshop's participants. The closing plenary was followed by final remarks from Moderator Dr. David Cohen, plenary Co-Chair and VSS Chief Mr. Hang Vannak, and closing speeches from two Civil Parties attending the workshop: Mr. Chan Sath and Ms. Pech Srey Phâl. The workshop then closed with a warm speech of support from H.E. Mr. Mikami Masahiro, Ambassador of Japan and Co-Chair of the Friends of the ECCC, and final remarks from Mr. Knut Rosandhaug, Deputy Director of Administration of the ECCC. These closing sessions were also attended by the President of the Bar Association of the Kingdom of Cambodia (BAKC), Ly Chantola; British Ambassador Tina Redshaw; and, French Ambassador Jacques Pellet. Representatives of the embassies and diplomatic offices of Australia, the United States, Germany, the European Union, Switzerland, Turkey, Thailand, and Vietnam joined, as did representatives of UNESCO, UNOHCHR, and UNWOMEN.

The 90 participants who joined and participated in each day of the workshop included representatives of local NGOs and international organizations, state institutions and museums, Civil Party lawyers, independent academics, lawyers and researchers, and ECCC parties and staff. They represented a wide range of orga-

nizations and institutions listed at the outset of this report. Most NGOs working on ECCC-related issues attended with two to four team members. If more than one representative of an organization or institution attended, they were split up among the different working groups to ensure that each group heard from a variety of voices and perspectives. Approximately 29 of the participants came from local or international NGOs, six came from academic backgrounds (primarily the Center for the Study of Humanitarian Law at RULE), and eight were independent researchers, consultants, or lawyers. 16 attended from state institutions, including the Tuol Sleng Genocide Museum (TSGM), Choeung Ek Genocidal Center (CKGC), the BAKC, and the Legal Documentation Center of the ECCC (LDC). Her Excellency Thun Sa Im, Undersecretary of State at the Ministry of Education Youth and Sports also joined extensive discussions on the second and third days of the workshop. GIZ Civil Peace Service also sent a large contingent of regular participants who contributed a great deal of advice and support throughout the event.

13 parties or staff of the ECCC joined all three days of the Workshop, including International Co-Prosecutor Brenda Hollis, National Deputy Co-Prosecutor Srea Rattanak, Civil Party Lead Co-Lawyers Pich Ang and Megan Hirst, and Civil Party Lawyers Hong Kimsuon, Lor Chunthy, Sin Soworn, Ty Srinna, and Ven Pov. These 13 ECCC staff were invited and joined the event as full participants alongside the other 80 or so individuals. They were spread across the eight working groups, and they took an active role in their discussions.

Another overarching aim in organizing the Workshop was to ensure that the voices of victim-survivors and Civil Parties were heard in every phase of the workshop. It was also of prime importance to avoid including them only as a kind of tokenism, but rather to create a role for them that would ensure their substantive input in the discussions and output of the groups. A total of 14 Civil Parties and one additional victim-survivor took an active part in the workshop. Their names are listed at the start of this report in recognition of their active contributions. 11 Civil Parties were invited from across the country and supported by the VSS, which provided them with accommodations, transport, and food. Four other victim-survivors, including three Civil Parties, were invited and supported by the local NGO Kdei Karuna (KDK).

The three surviving victims of S-21 Security Center, Mr. Bou Meng, Mr. Chum Mey, and Mr. Norng Chanphal, also were invited to attend the opening ceremony of the workshop on 3 May.

The Workshop Secretariat had sought from an early point to consider the attendance and participation of Civil Parties in the workshop so as to ensure that they could speak for themselves regarding what they wanted to see during the impending ECCC residual phase. The in-person event offered a more comfortable and casual format to include victim-survivors' voices than the more formalized submission process for either the Co-Rapporteurs' advisory report or this report. This intent to involve the Civil Parties directly in the event was cemented following the Coordinator's consultations with local and international stakeholders described above. In particular, it stemmed from the submission of the international organization REDRESS, which has undertaken a report on reparations for victims of conflict-related sexual violence in Cambodia in partnership with KDK. In consultations before the workshop, REDRESS emphasized to the Coordinator that the involvement of victims themselves would lend legitimacy to the overall outcomes of the workshop. This viewpoint was further supported in discussions with leading civil society advocate and psychotherapist Yim Sotheary and academic researcher Christoph Sperfeldt, who also joined the event as two of the five keynote speakers.

Thanks to the technical and financial support of VSS and KDK, 15 Civil Parties were able to join the workshop and fully take part in the event. Hearing from the Civil Parties directly and repeatedly left a greater impression on the event participants than had there been only victim representatives in a room with no victims themselves.

# DISCUSSION GROUPS

As discussed already, eight working groups were formed and organized by the Workshop Secretariat in an effort to promote in-depth discussions covering eight separate thematic issues across the three days of the event. Each working group's discussion was facilitated by a different ECCC staff member who was seconded to assist in this special event, and each group was asked to pick a notetaker who provided summary notes which were utilized in drafting this report. The groups were also given flip-charts for writing up their ideas, which have been transcribed for use in writing this report as well. The facilitators worked closely with the Secretariat, and their primary task was to ensure that all participants were heard during the discussions, and to observe and gather points of commonality and difference, as well as challenges and surprises.

On the one hand, the overarching priority was to encourage and facilitate participation, discussion, and collaboration as much as possible by giving the participants a central and active role. On the other hand, because of the diversity of groups and proposals represented by the participants, it was also important to identify common themes and provide a format that would center the discourse around them. This resulted in the decision to group participants not by their organization but by their interests and expertise related to eight thematic groupings. This was also done in a way to ensure that organizations represented by multiple participants were distributed among the groups. The aim was both to avoid an individual organization dominating a group according to its own interests and also to ensure that their input was shared among different groups rather than confined to only one. The inter-related nature of the themes commended itself such an approach.

One of the eight groups was made up entirely of seven Civil Parties joining the workshop, while the other eight victim-survivors in attendance joined different working groups on thematic issues. It was decided to ensure that one entire working group

would be made up solely of Civil Parties in order to give them a comfortable space to develop ideas for victim-centered initiatives and from which they could provide feedback and commentary on the other working groups' proposals during the plenary session. This arrangement succeeded in ensuring they played a central role in the Workshop's discussions and output. Two VSS staff facilitated this group's discussions.

The other seven working groups were constituted from the diverse range of participants attending from across civil society, academia, international organizations, state institutions, and the ECCC. These seven groups were designed to each discuss a different thematic area of focus for present and future victims' initiatives. The thematic topics were drawn from an initial analysis of the submissions to the Co-Rapporteurs' report (summarized later in III. Submissions to Co-Rapporteurs and Findings of Co-Rapporteurs) and through the consultations which the Coordinator undertook in the weeks before the Workshop.

The Secretariat purposefully selected the members for each of the groups from the confirmed guest list in order to bring together representatives of different organizations, groups and institutions working in similar areas and topics. The goal was to build complementary groups which would uplift new voices while also centering and relying on the expertise of long-time and leading practitioners and stakeholders as well. Some in each group were familiar with one another or had collaborated before; others have long worked separately yet in parallel with one another on similar issues. The Secretariat hoped to bring participants together from disparate backgrounds and spread multiple representatives from particular organizations across multiple small groups, in order to support a more innovative and collaborative discussion.

Participants were divided into the following eight groups, with the listed organizations and institutions represented in each group as follows:

## 01

### CIVIL PARTIES FOCUS

Seven Civil Parties

## 02

### MENTAL HEALTH, HEALING, AGING, AND LONGER-TERM DUTIES TO VICTIMS

TPO, YFP, HelpAge, NGOF, GADC,  
GIZ-CPS, two Civil Parties

03	VICTIM-CENTERED ARCHIVES AND DOCUMENTATION, AND WITNESS AND VICTIM PROTECTION	TSGM, CKGC, LDC, BAKC, CSHL/RULE, KDK, LAC, GIZ-CPS, ECCC parties/staff
04	HISTORICAL SITES, MONUMENTS, AND ACTS OF REMEMBRANCE	TSGM, CKGC, LDC, CSHL/RULE, RWI, YFP, DC-Cam, ECCC parties/staff, two Civil Parties
05	ETHNIC AND RELIGIOUS MINORITIES	WPM, DC-Cam, KDK, CSHL/RULE, MOEYS, GIZ-CPS, ECCC parties/staff, multiple independent researchers, two Civil Parties
06	ACCESS TO JUSTICE AND LEGAL AID FOR VICTIMS AND SURVIVORS	BAKC, RWI, CCHR, LAC, SNB, GD Alliance, CSHL/RULE, ECCC parties/staff
07	INTERGENERATIONAL DIALOGUES, YOUTH, AND ORAL HISTORIES	TSGM, LDC, WPM, Bophana, KDK, YFP, YRDP, UYFC, Future Forum, ECCC parties/staff, two victim-survivors
08	RECOGNITION AND REPARATION FOR SEXUAL AND GENDER-BASED VIOLENCE	KDK, ADHOC, UNWOMEN, BAKC, WPM, GADC, REDRESS, AUPP, UNOHCHR, ECCC parties/staff

Although these groups were constituted according to individual thematic topics, all the groups were also asked to speak across these themes as well, recognizing how many issues are interrelated. Participants across all groups were asked to examine their discussions through a complex lens sensitive to gender, ethnicity, religion, (dis)ability, sexuality, and age. Recognition and remembrance of the genocide of minority groups, or of acts of a sexual or gender-based nature during the DK regime cut across multiple issue areas and required a multilateral approach. However, it was noted in the prior consultations with CSOs that victims of these crimes have also called for distinct and separate recognition of their experiences which have long gone unnoticed or unmentioned. This point also surfaced in some submissions to the Co-Rapporteurs.

The Secretariat thus decided to create two discussion groups focused specifically on the experiences of minority groups and on recognizing and responding to the crimes of SGBV in DK, to highlight those experiences and give their victims and survivors the attention they too deserve.

All the groups, regardless of subject area, were asked to follow similar general prompts across each of the five sessions. They were also asked to try to develop together one or more project proposals centered on their thematic issue area. Over the five sessions, they were expected to piece together the details of a program that would fit into the residual mandate of the ECCC and align with their own goals and aspirations. With the midpoint plenary on 4 May for checking in and updating one another, and by the final plenary on 5 May, the Secretariat aimed to hear and discuss at least eight distinct and detailed projects covering distinct program areas. These discussions, and the subsequent plenaries, also presented an opportunity for each of the organizations and institutions in attendance to share with one another what they hope to achieve on their own or together, on behalf of victims, over the next three or more years as the ECCC begins winding down.

In bringing together representatives of different organizations in these eight working groups, the Secretariat hoped to enable discussions on common ambitions. The mixed composition of each group ensured that civil society advocates could speak directly with state institutions or international organizations, in promotion of greater dialogue and possibly eventual cooperation between different kinds of organizations. The Secretariat, as well as many participants themselves, had observed sometimes redundant or duplicative projects undertaken in ECCC-related work in the past. The development of new programs timed with the ECCC residual phase presents an opportunity to come together across potential partner organizations rather than to remain siloed, separated, and in competition with one another for program funding. Thus, the Secretariat attempted to highlight the need for greater synergy between like-minded organizations and integration with institutions that would ensure sustainability of these programs in the longer term. The importance of this approach for sustainability will be discussed in some detail below.

The implementation of this organizational schema resulted in very active discussion and participation in each of the breakout

groups. On the morning of Days 2 and 3 almost all the participants were in their groups and working together well before the official start of the proceedings at 9:00AM. Likewise, at the end of Day 2, very few participants left at 5:00PM when the final session of the day had closed. They remained in their groups, continuing their discussions and working on the group presentations well into the evening. The same enthusiasm was also reflected in the general discussions and Q&As that followed the keynote talks. The result was that in the plenary at the end of Day 3, all of the groups were ready with a well-formulated presentation of their results, recommending specific kinds of programs and initiatives to the broader audience that included members of the diplomatic community, the RGC, and other stakeholders. Summary of the actual prompts, topics, and content of the discussions across the five working group sessions is found later in this report, in section III. Discussions and Plenary Submissions from Groups at the Workshop summarizing submissions from the workshop participants.



# KEYNOTE SPEAKERS

The Workshop organizers selected keynote speakers based upon their extensive engagement with victims and Civil Parties at the ECCC or with other experiences that could inform and inspire the discussions of the breakout groups and plenaries. The keynote speakers also agreed to participate in Q&A sessions following their presentations so as to enable participants to engage directly with them. The speakers, are described below in the order in which they spoke.

**01**

**MS. YIM SOTHEARY**

Psychotherapist, Peace and Conflict Consultant, and Founder and CEO of Sneha

---

**02**

**MR. KARIM A.A. KHAN, QC**

Former civil party lawyer and chief prosecutor of the International Criminal Court

---

**03**

**DR. CHRISTOPH SPERFELDT**

Honorary Fellow at Melbourne Law School

---

**04**

**DATO' SHYAMALA ALAGENDRA**

Advocate, solicitor and gender and child rights advisor

---

**05**

**H.E. LY CHANTOLA**

President of the Bar Association of the Kingdom of Cambodia

01

**MS. YIM SOTHEARY IS AN ACCOMPLISHED PSYCHOLOGIST, PSYCHOTHERAPIST, AND FACILITATOR ON CONFLICT AND PEACE-BUILDING.**



With over 18 years of experience in her field at the intersection of trauma, healing and reconciliation she also has extensive professional experience with survivors of trauma from the Khmer Rouge regime. Her work with victims has also focused on gender-based violence, a topic of significance for the Workshop. Sotheary was instrumental in producing the comprehensive guidebook entitled “Understanding Trauma in Cambodia,” and she also wrote, “The Past and the Present of Forced Marriage Survivors: Experience toward Healing,” after reflecting on her work with survivors of forced marriage. She also co-authored the evaluation report on the second phase of the ECCC VSS’s Non-Judicial Measure supported by the UN Trust Fund to End Violence against Women. Because of her expertise and extensive experience working with many of the organizations and individuals participating in the workshop, she was particularly well-suited to give the first keynote address, which was held in public session on the morning of 3 May.

Ms. Yim addressed central questions that shape the experience of victims and their families. She began by recounting her earliest engagement with victims as a young assistant psychologist whose own life had been impacted by the Khmer Rouge. At these meetings, victims raised questions and comments such as, “What does reconciliation mean? Do I have the right to claim it? It’s an unfortunate, bad karma in my life. I will just take it with me.” She was struck by their sense of hopelessness and inability to justify or explain their pain and suffering. She explained in some detail how the creation of the ECCC changed this and created an opportunity to give voice to feelings long repressed: “We heard sounds of crying, aggression, the blame, the shouting, the words of revenge, the forgiveness, the silence, and the thank you to let them speak.”

An important lesson she drew from her experience was the need to engage with victims in a way that enabled them to break their

---

**An important lesson she drew from her experience was the need to engage with victims in a way that enabled them to break their silence and tell a story of the violence they had witnessed: “It was often the story of witnessing the killing – or the death – of the loved one being sexually assault[ed], abuse[d] and/or rape[d].”**

---

silence and tell a story of the violence they had witnessed: “It was often the story of witnessing the killing – or the death – of the loved one being sexually assault[ed], abuse[d] and/or rape[d].” She used this example to introduce an important theme that echoed throughout the Workshop and grounded some of the recommendations voiced by victims, Civil Parties, and NGOs. What continues to impact the lives of victims and their families is that, “In some cases, the perpetrators are there as their neighbors.” Living side by side in this way, she explained, contributes to the trauma, and this trauma is passed on to the next generation. Dealing with such inter-generational trauma was an important theme in her presentation and it continued to resonate through the next days of the Workshop.

Another key theme Ms. Yim addressed was the central importance of having victims and Civil Parties engage at every stage of this healing process, and of listening to their understanding of what justice, healing, and reconciliation mean and require. This was a theme that was also carried throughout the Workshop through the voices of the victims and Civil Parties who participated at every stage. She also emphasized, however, that all engagement with victims and

Civil Parties must be “trauma-informed” through appropriate training and preparation.

Among the other important points that Ms. Yim focused attention upon was the aftermath of sexual and gender-based violence under the Khmer Rouge. This topic had been hidden for so long in silence or misunderstood, and for several reasons had not been extensively investigated, so when research revealed how extensive these kinds of SGBV had been, this too often negatively impacted the victims. As she explained, “Instead of receiving care and support, victim-survivors receive criticism and stigmatization. Instead of holding perpetrators responsible, victims had to hold the burden of responsibility to justify [themselves].” She noted that victims of forced marriage and its consequences were among the participants of the Workshop, and they in fact did later speak and address through their own experience what Ms. Yim had articulated. She concluded her remarks by pointing to the importance of not just focusing on their pain and suffering when dealing with victims, but rather on their strengths and resiliency as survivors, in order to avoid re-traumatization and to instead work to promote self-healing.



02

MR. KARIM A. A. KHAN, QC WAS ELECTED AS CHIEF PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT (ICC) AT THE 19TH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE IN NEW YORK IN FEBRUARY 2021.



Mr Khan was sworn in on 16 June 2021, having previously served as an Assistant Secretary-General of the United Nations and as the first Special Adviser and Head of the United Nations Investigative Team to promote accountability for crimes committed by Da'esh/ISIL in Iraq (UNITAD) between 2018 to 2021. His professional experience includes work at the ICC, International Criminal Tribunal for Rwanda, International Tribunal for the Former Yugoslavia, the Special Court for Sierra Leone, the Special Tribunal for Lebanon, and the ECCC. At the ECCC, he served as a Civil Party Lawyer in Case 001. He was invited to give keynote remarks to the workshop on the afternoon of the workshop's first day via live online feed, and he was asked to reflect upon his representation of Civil Parties from the perspective of his broad international experience.

Mr. Khan began his remarks by reflecting upon his first days in Cambodia as counsel for the largest group of Civil Parties in Case 001.

He recalled what a new experience it was to be representing such a group as parties to the proceedings and how, even in his first encounter with them, he sensed the importance they attached to this historic opportunity. He recounted how, after an early hearing before the substantive proceedings had begun:

I had so many people come running up to me with tears in their eyes, [...] and people would hug me and there'd be crying and suddenly I realized, even if I didn't understand what they were saying [...] I could see that it was extremely important for them and it made a difference. For so many, they said this is the beginning of closure. This is the beginning. We have hope justice is going to be vindicated [...] there was this keen sense, from the people, from the Civil Parties that I spoke to, that something momentous was happening.

In continuing his account of the importance of the Civil Parties' role in the proceedings he also noted that while it made a valuable contribu-

tion, it could not fully meet the needs of the Civil Parties. For this reason, he explained, “Always in international criminal justice, we have to be very cautious about raising expectations too high and then not fulfilling those expectations in practice...Anybody who thinks international criminal justice can solve everything is going to set it up for failure.” What we need to do, he continued, is to make clear what international criminal law can do and what it cannot. This, as emerged from his and other remarks, is what necessitates initiatives outside of the courtroom and beyond the end of judicial proceedings if the needs of victims are to be addressed.

Another key theme Mr. Khan developed in his presentation was the need for the international community and the practitioners of international criminal law to continually reflect upon what has been learned from the shortcomings

and failures as well as the successes that inevitably shape the legacy of all of the attempts to achieve justice and reconciliation in the aftermath of mass atrocity. Reviewing some of the issues that arose after the Trial Chamber’s Judgment in Case 001 and the limited scope of reparations in that case, he also underscored the importance of what has been achieved at the ECCC. This is the legacy from which we must learn and improve. Thus, he concluded:

I think the effort that’s been put in by the Cambodians, by the international community, by victims and defense and prosecutors, and most of all – most of all, by a long way – by the Cambodian people, to understand, more than anybody else, the importance of justice, it really gives one hope that if we can keep clinging to that and working for [it], justice tomorrow will be better than yesterday.

---

I had so many people come running up to me with tears in their eyes, [...] and people would hug me and there’d be crying and suddenly I realized, even if I didn’t understand what they were saying [...] I could see that it was extremely important for them and it made a difference. For so many, they said this is the beginning of closure. This is the beginning. We have hope justice is going to be vindicated [...] there was this keen sense, from the people, from the Civil Parties that I spoke to, that something momentous was happening.

---



03

DR. CHRISTOPH SPERFELDT IS A FELLOW AT THE CENTER FOR HUMAN RIGHTS AND INTERNATIONAL JUSTICE AT STANFORD UNIVERSITY AND ADJUNCT PROFESSOR AT THE CENTER FOR THE STUDY OF HUMANITARIAN LAW AT THE ROYAL UNIVERSITY OF LAW AND ECONOMICS, CAMBODIA.



He most recently was an Honorary Fellow at the Peter McMullin Center on Statelessness at Melbourne Law School. Prior to joining academia he worked for more than 15 years on human rights and transitional justice in Cambodia, Indonesia, and ASEAN more broadly. As senior advisor with the German development agency (GIZ) for five years in Cambodia, he advised the Cambodian Human Rights Action Committee (CHRAC) and the ECCC VSS. Building upon his many years of engagement with the ECCC and civil society in Cambodia, he has become a leading scholar on reparations at the Khmer Rouge Tribunal, as well as in his other main area of publications on statelessness in Southeast Asia and beyond. He was asked to give a detailed keynote presentation on the morning of 4 May.

Dr. Sperfeldt began his presentation by emphasizing that the main point he wanted to convey was that when designing victim-oriented work in the residual phase, “We should draw on past lessons and experiences of past pro-

grams, and existing programs around the ECCC.” He illustrated this point by focusing on reparations projects and non-judicial measures that have been implemented in past years in connection with the ECCC.

He pointed out the shortcomings in the reparations measures implemented in Case 001 in relation to the demands made by the Civil Parties. He immediately noted, however, that in light of the criticisms of the outcome in Case 001, “We have then experienced a quite significant reform of that reparation scheme at the ECCC that allowed for external funding to projects that the Victims Support Section could design, in collaboration, with civil society actors.” As a result, he continued, 24 reparations projects were recognized in the two parts of Case 002. In addition, the VSS was “given the mandate to implement non-judicial measures, outside of its reparations function, where it was free to implement measures for the broader benefit of victims, not only the Civil Parties.”

Two important such measures that resulted were the memorial at Tuol Sleng Genocide Museum, and a multi-phase project led by the VSS addressing the consequences of the SGBV that occurred under the Khmer Rouge regime. He also observed the Court's procedural emphasis on collective and symbolic measures, as compared to more individualized measures for victims. In Case 002/01, the initial proposals were categorized into thematic areas: memorialization and remembrance, rehabilitation, documentation, education, and other awards.

He next provided comments on the many projects connected to the three Workshop themes of recognition, remembrance and reconciliation. While the points he made in this connection are too numerous to address fully, a few stand out for the particular emphasis he attached to them. He noted, for example, the "significant advancements in psychosocial support and mental health services, as compared to what existed prior to the ECCC." He stressed in particular the role of the Transcultural Psychosocial Organization (TPO) that advanced "both conceptually and practically" mental health services for many survivors of the violence perpetrated by the Khmer Rouge regime. The role of TPO also highlights the central contribution

of NGOs to the recognized reparations projects. 20 of the 24 reparations measures have been led by NGOs, he stated, 16 of which involved Cambodian NGOs.

The contribution of NGOs has extended beyond the specific projects they have implemented or contributed to. This overall experience, he noted, "has expanded the opportunities for victim assistance and contributed to further localizing the ECCC justice process." This has not been achieved in other tribunals located remotely from the population they were established to serve. Another overall benefit arises from the way in which 15 years of NGO activities around the ECCC have given rise to a significant pool of Cambodian experts in a variety of areas related to transitional justice and to addressing the needs of victims. This latter point led to some consideration of a related issue that also proved to be a subject of discussion in many aspects of the Workshop and is discussed later in this report: how to define who is a "victim."

Dr. Sperfeldt referred to surveys indicating that "the vast majority of people who lived under the Khmer Rouge regard themselves as victims. But, interestingly, also more than half of the people who have not lived under the

---

**Dr. Sperfeldt referred to surveys indicating that "the vast majority of people who lived under the Khmer Rouge regard themselves as victims. But, interestingly, also more than half of the people who have not lived under the Khmer Rouge regard themselves as a victim of the Khmer Rouge. So, we see this very strong inter-generational dimension in Cambodia in terms of perceptions of victimization."**

---

Khmer Rouge regard themselves as a victim of the Khmer Rouge. So, we see this very strong inter-generational dimension in Cambodia in terms of perceptions of victimization.”<sup>45</sup> This intergenerational aspect and the question of how to address the needs of individuals and communities to which it gives rise continued to play an important part in Workshop discussions.

Because the ECCC necessarily focused primarily upon the Civil Parties, it has been a challenge to involve the voices of the larger population of victims. There is a need for the support of more victims’ associations and better organization of the ways to identify and respond to victims’ needs. In addition to emphasizing “two-way” communication with victims, there is an even more pressing need for “a more structured involvement of survivors in [...] project design and implementation.” He noted how victim-survivors should be treated as active stakeholders involved in program design and not merely passive beneficiaries of programs made for them by others. He emphasized the need for regular communication with survivors, and also the opportunity and necessity for developing meaningful programs which respond to Cambodia’s population largely born after the fall of the Khmer Rouge regime. This was, of course, a goal of the Workshop’s structured involvement of Civil Parties to conceive projects and implement them.

Turning to the theme of remembrance, Dr. Sperfeldt emphasized the innate connection between remembrance, education, and truth-seeking. Here he again touched on an idea that emerged as central to many of the contributions of participants in this area: the need to localize remembrance in individual communities rather than primarily through memorialization in Phnom Penh. This also means preserving the voices and experiences of victims in local communities, a goal vital for truth-seeking. As he stated, “Most people in Cambodia believe it is necessary to find the truth about what happened. Most people also believe you cannot reconcile without knowing what has happened, and most people also say they cannot feel better without knowing what happened to their loved ones.”

Concluding his keynote presentation with comments on the theme of reconciliation, he noted that in addition to the idea of national reconciliation that is a focus of both the RGC and the ECCC, it is important to understand the individual and communal levels of reconciliation. This point links to a theme already touched upon, which is the challenge of reconciliation where victims and perpetrators live together in the same communities. This point was raised again and again by the Civil Parties and victims when they made presentations or participated in Workshop plenary and group discussions.



---

<sup>45</sup> This was stated in reference to: Phuong Pham, Patrick Vinck, Mychelle Balthazard, and Sokhom Hean, *After the First Trial: A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia*

(2011), Human Rights Center, University of California Berkeley School of Law, accessible at: <[https://www.law.berkeley.edu/files/HRC/Publications\\_After-the-First-Trial\\_06-2011.pdf](https://www.law.berkeley.edu/files/HRC/Publications_After-the-First-Trial_06-2011.pdf)>.



04

CURRENTLY OCCUPYING SENIOR ROLES IN UN INVESTIGATIVE MECHANISMS FOR CRIMES AGAINST HUMANITY IN MYANMAR AND SRI LANKA, DATO' SHYAMALA ALAGENDRA IS A DISTINGUISHED INTERNATIONAL LAWYER ORIGINALLY FROM MALAYSIA.



She has prosecuted leading cases at the Special Panels for Serious Crimes in East Timor, the Special Court for Sierra Leone (SCSL) and at the ICC, including the cases against Charles Taylor, the former President of Liberia, and Omar Al-Bashir, the President of Sudan. She also acted as Defense Counsel representing the Deputy President of Kenya on charges of crimes against humanity before the ICC. She also represents groups of victims of gross human rights violations in several jurisdictions and is a leading expert on investigations of SGBV and the protection of women and children in the aftermath of conflict. She thus brought a broad international and comparative perspective to victim related issues at the ECCC. Dato' Alagendra spoke to the workshop on the afternoon of the second day via live online feed.

Reflecting upon her more than 20 years of experience in international criminal justice involving cases in South and Southeast Asia, Africa, and Europe, Dato' Alagendra under-

scored the importance of the ECCC beyond Cambodia:

“When we speak of the possibility and importance of accountability in the ASEAN region today, the ECCC is our reference point, standing tall as [...] a tremendous achievement. What stands out the most is that it is the only court where victims have been able to directly participate as parties in the proceedings at the investigation, trial, and appeal stages. Victims have had a voice in all these stages and have had the very real possibility to influence the outcomes of these trials.”

She then offered observations and suggestions based upon her own work involving victims in a variety of settings. Acknowledging that the principal objective of an international justice process is to establish the guilt or innocence of the Accused beyond a reasonable doubt, she went on to say that such a trial also, “represents an opportunity — a critical opportunity — for victims and Civil Parties. Their role, their voice,

---

“When we speak of the possibility and importance of accountability in the ASEAN region today, the ECCC is our reference point, standing tall as [...] a tremendous achievement. What stands out the most is that it is the only court where victims have been able to directly participate as parties in the proceedings at the investigation, trial, and appeal stages. Victims have had a voice in all these stages and have had the very real possibility to influence the outcomes of these trials.”

---

and their interests are the lifeblood of any legal model that hopes to engender public confidence in the rule of law and to live up to the promise of never again and non-repetition.” As a result, she continued, “We must do our best to ensure that, at the outset of our work, a wide group of victims are represented and have a role.” She also emphasized that all groups of victims must be treated with equal respect, and that we must avoid assuming that the experience of all members of a class of victims, for example children or women, are the same.

Building upon these insights, she offered a recommendation to the audience: “As you design this next residual phase, please think about whose voices were not recognized.” Following upon this point, she addressed an issue that was also frequently discussed in the Workshop, “that understanding trauma and the psychological effect of having one’s story and suffering feed into a judicial accountability narrative can be profound for those who are affected.” Those whose voices were heard in this way, said they no longer felt invisible simply by being listened to and being represented.” However, she also asked that stakeholders “be aware of the risk of prolonging victimhood through residual pro-

cesses. Allow [victims] to move on.” This was an important point which referenced the challenges of remembrance efforts discussed above: how can programs related to past atrocities ensure that victims take an active part while also being able to make real progress in their own healing?

Explaining how such involvement can be particularly challenging for victims of sexual violence, she elaborated upon a theme already addressed by Ms. Yim in her keynote the day before. Building upon her many years of investigating sexual and gender based violence, Dato’ Alagenda talked about the factors, such as shame, stigma, or other issues that inhibit women from participating in investigations. Rather than assuming, however, that they are unwilling to come forward, “Instead, we should consult as widely as possible to understand their values, and we must put in place methodologies that ensure victims are able to have access to us and to participate in our processes safely, comfortably, and confidentially if they wanted to.”

Again echoing major themes of Workshop discussion, she commented on how such individuals who do participate should also be involved in the design of programs for the residual phase

so that they can, “give input on what would be most meaningful for them, [...] how to help them come to terms with their past and to move on decisively.” Finally, she concluded, their voices, contributions, experiences, and testimonies should not only be preserved in archives but also

be made readily accessible to inform future generations, both of Cambodians as well as those beyond Cambodia’s borders. She concluded by reminding participants that although it may be the last chapter, the residual phase is not the least important phase of the ECCC’s process.



05

HIS EXCELLENCY LY CHANTOLA SERVES AS PRESIDENT OF THE BAR ASSOCIATION OF THE KINGDOM OF CAMBODIA (BAKC).



He has a great deal of personal and professional knowledge of the ECCC after having spent part of his career there as a greffier in the Office of Co-Investigating Judges. He was elected President of the BAKC for its 13th mandate on 16 October 2020. Based upon his experience at the ECCC and beyond, his keynote speech encompassed how to enhance the sense of justice among victims and how to integrate the professional legal principles enshrined by the ECCC within the Cambodian judicial and legal system. His perspective provided insights into building sustainable, integrated institutions by developing longer-term strategies.

H.E. Ly addressed three points in his keynote on the morning of the Workshop’s final day: “First, the major legal principles related to the participation of victims in the ECCC trial process. Second, the use of knowledge and experience gained from the ECCC for leading the Bar Association of the Kingdom of Cambodia in relation to the provision of services to victims.

Third, the experiences of the ECCC related to victims, which should be considered for inclusion in the national legal system.”

In regard to the first point, H.E. Ly stated, “In addition to the fundamental right to justice, victims within the ECCC framework have the right to be represented before the law. They are recognized as Civil Parties at the ECCC and represented by Civil Party lawyers.” He opined that because of this recognition of Civil Parties, the ECCC has developed a body of relevant jurisprudence that distinguishes it from other international or hybrid criminal tribunals.

Addressing his point as to how the ECCC framework for victims should be incorporated into the national legal system, he pointed to the provision of services by the VSS. Based upon that experience, he continued, “Victims and witnesses support offices should be established in national courts with the aim of protecting victims, including women, girls, children, people with disabilities, or the elderly, who are entitled

---

**“Victims and witnesses support offices should be established in national courts with the aim of protecting victims, including women, girls, children, people with disabilities, or the elderly, who are entitled to protection.”**

---

to protection.” Such offices should be established in all Cambodian courts and, observing the presence of TPO during the ECCC proceedings, should provide psycho-social services to those seeking help and support. He added that in addition, the courts should apply protective measures for witnesses, following the experience of the ECCC.





## SUMMARY OF SUBMISSIONS RECEIVED

---


112	Submissions to Co-Rapporteurs and Findings of Co-Rapporteurs
122	Discussions and Plenary Submissions from Groups at the Workshop
153	Submissions After the Workshop
170	Beyond the Workshop: Continued Consultations After the Event



This report now discusses in great detail the submissions which have been received over the last year of consultations. We first discuss and analyze the December 2021 advisory report of the Co-Rapporteurs which prompted the organization of the Workshop on Victims in May 2022. We organize and summarize each of the 20 submissions made in response to the October 2021 call of the Co-Rapporteurs, and we integrate these earlier submissions within this report. All of those submissions which preceded the May 2022 Workshop are included in full in Annex VI. We then summarize the comments and outputs of the eight thematic working groups which undertook extensive discussions during the three-day Workshop, and we explain and summarize the final proposals shared by the eight groups at the closing plenary session of the Workshop held on 5 May 2022.

We next discuss all submissions which were received after the May 2022 Workshop, including six submissions from key stakeholders: KDK, YFP, YRDP, Bophana Center, TSGM, and DC-Cam. During the Workshop, the Secretariat set a deadline for any additional submissions on specific proposals for the ECCC residual phase to be submitted to the Secretariat within ten days, by 15 May 2022. This deadline was flexible for those who needed additional time. Finally, this section also summarizes the additional submissions which resulted from continued discussion with individuals and organizations which were not able to fully participate in the May 2022 Workshop: first, an additional group of 60 Civil Parties engaged during a VSS-CPLCL Forum on 13 May 2022 which resulted in four submissions; second, a focus group of overseas observers, researchers, and advocates who met for a discussion separately, and which submitted a total of three different submissions; and, finally, voices from the Cambodian diaspora who were not actively included in the May 2022 Workshop, which led to two additional submissions.

We thus received submissions from a total of 15 organizations, individuals, or groups of individuals following the May 2022 Workshop. All are found in full without redactions in Annex VII. We have asked the ECCC Administration to publish these submissions, as well as those from the Co-Rapporteurs' report in Annex VI, alongside this report to ensure easy access and review of the original submissions. They should not be separated by a QR code or a weblink, but should be considered an integral part of this report and its recommendations.

 Group discussions on day 2 of the workshop.



# SUBMISSIONS TO CO-RAPPORTEURS AND FINDINGS OF CO-RAPPORTEURS

As noted above in I. Origins and Goals for a Workshop on Victims, the Co-Rapporteurs issued a call for proposals with a deadline of 15 October 2021 for submission. The call informed parties making submissions that the “ideas” collected through this process would be “considered and represented” in the Co-Rapporteurs’ report with recommendations. It is important to note that the Co-Rapporteurs attached significant qualifications to the way in which submissions would be treated, underscoring the significance of their statement that the purpose of the exercise was to collect “ideas.” The Call provided that, “It is possible that ideas are expanded upon, adapted, or co-mingled, therefore there shall be no expectation of ownership of any initiative, if implemented.” In order to see the results of this framework for submissions, we turn now to an overview of the submissions and the recommendations of the Co-Rapporteurs.

Ultimately, the Co-Rapporteurs did not expand on or rework the submissions so as to define in some detail a set of proposed initiatives. Their advisory report’s text does not discuss any of the submissions or any of the projects and initiatives they propose in particular detail. Instead, the report briefly summarizes what the Co-Rapporteurs see as some general “categories” in the submissions and then adds some brief further suggestions as to activities not covered in the submissions. They close their “Discussion” section of the Report with four bullet points of recommendations that they “endorse.” The Annex to the Co-Rapporteurs’ report “collects” the ideas found in the 20 submissions received. The distillation, assessment, and expansion upon these ideas into “initiatives” that go beyond the terms of individual submissions and hence are not “owned” by those making submissions, seems to have fallen by

the wayside. Without delving into the Annex and reading through the many interesting submissions, a reader would have little idea what kinds of concrete activities have actually been proposed or by whom. Given the extraordinary range and depth of experience of many individuals and organizations making submissions, this omission is puzzling. A real discussion of actual proposals never takes place.

We now turn to a summary of the submissions themselves in the table below, and then to a discussion of the brief assembly of “categories” identified by the Co-Rapporteurs.

---

● **AMBASSADOR DAVID SCHEFFER**

**01**

- Cambodia Tribunal Monitor to be recorded, translated from English to Khmer, and digitally preserved in the ECCC archives and university and public libraries in Cambodia

---

● **ANLONG VENG PEACE CENTER /  
DOCUMENTATION CENTER OF CAMBODIA**

**02**

- Protection of victims and survivors
- Dissemination of information
- Management and preservation of the archives of the ECCC

● CIVIL PARTY LEAD CO-LAWYERS

03

- Allocation of funds “for the legal representatives of Civil Parties to meet with their clients”
- Meaningful access of Civil Parties to the LDC and archives
- Construction of stupas
- Where initiatives are based on reparation projects already implemented, that consideration be given to whether there is added value in expanding or further developing those projects
- Production of materials enabling and projects accessing, explaining and preserving the ECCC’s work

---

● GIZ CIVIL PEACE SERVICE

04

- Documenting achievements of Civil Parties during the ECCC through interactive exhibition
- Engagement of peace students with the ECCC residual phase
- Pilot program to support youth
- Capacity building at the archives of the LDC
- Preservation of the ECCC’s compound and convert to an education center
- Institutional higher education peace studies curriculum at the National University of Battambang through the GIZ-CPS backed Southeast Asian University Partnership (SAUP) program
- Creation of a nationwide database on missing persons plus a media campaign
- Student-designed ECCC information Center
- Community reconciliation

---

● HELEN JARVIS

05

- Preparation for transfer of documents from the ECCC to the LDC, to support archives and information to go through the LDC
- Review of the current status of all reparations projects

---

## ● KDEI KARUNA ORGANIZATION

06

- Inter-generational dialogue
- Continued oral history collection and conservation
- Vocational skills training
- Research on the impact of SGBV trauma on children and grandchildren
- Create center for dialogue facilitation
- LDC can play an important role on remembrance
- Community self-care for SGBV survivors
- Dialogue between survivors and state actors

---

## ● LA TROBE UNIVERSITY

07

- Building on past or existing initiatives
- Contributing to enhancing the ECCC's educational legacy for Cambodia
- Enshrine principle of Cambodia-led work
- Learning from past experience
- Promote Collaboration between the residual function and academic researchers

---

## ● LEGAL DOCUMENTATION CENTER

08

- Formal agreement to transfer all ECCC records and archives to the LDC
- Expanded outreach program
- Fictional hearings and mock courtroom at the LDC
- Establish promotional activities and seminars
- Conduct interviews with Civil Parties and other victims
- Mobile app with comprehensive research database for all public case files
- Galleries and permanent exhibition hall
- Cooperative framework for the LDC and ECCC for the review and cataloging of document
- Support for the LDC to organize seminars and short courses

● MARIE WILMET, EUROPEAN UNIVERSITY INSTITUTE

09

- Mental and physical health services
- Information about the ECCC, proceedings and reparations
- Documentation and dissemination of knowledge about the Khmer Rouge period
- Stupas and Buddhist ceremonies

---

● NATHAN J. CHAN

10

- A memorial—e.g. monolith, wall with the names of victims who passed away from the Khmer Rouge Genocide

---

● REDRESS

11

- Support to TPO and training of psychologists nationwide
- Nationwide ID card program linked to reparations program
- Intergenerational dialogue programs
- Wedding ceremonies for survivors of forced marriage who desire them
- Nationwide administrative reparations program
- Memorialization initiatives

---

● ROYAL UNIVERSITY OF PHNOM PENH (DEPARTMENT OF PSYCHOLOGY)

12

- “Research on Mental Health Situation in Cambodia”: Mental health population-based survey to provide information to institutions and NGOs to establish a strategic plan for promoting mental health in Cambodia, to better assess the needs of Khmer Rouge victims and understand the impact of trauma

---

● SIM SORYA

13

- “Free of Stigma” promoting reconciliation through victim-perpetrator dialogue
- “Healing the Wounds” through nine enumerated psychosocial programs
- Developing the Academic and Legal Legacy of the ECCC through five enumerated projects, including ECCC Digest of key facts and legal issues, international criminal law moot court, Cambodian criminal law class, technological and technical improvement of Cambodian courts

---

● TRANSCULTURAL PSYCHOSOCIAL ORGANIZATION

14

- Closing event/workshop with Civil Parties, and with psychological preparation. Onsite support and psychological befriending at the ECCC
- Trainings for NGO partners on PFA, emotional support, stress management
- Hotline counseling service
- Producing IEC materials to raise awareness of mental health
- Psychiatric treatment and referral for Civil Parties

● VANNAK HANG, VICTIMS SUPPORT SECTION, ECCC

15

- Protective measures for witnesses and others who testified in the Court proceedings
- Protection of Civil Parties

---

● WITNESS AND EXPERT SUPPORT SECTION, ECCC

16

- Research to evaluate the protection and support services provided by WESU
- Identify systems and procedures which contribute to witnesses being able to testify in international war crimes tribunals without experiencing negative consequences

---

● TUOL SLENG GENOCIDE MUSEUM

17

- Daily testimony program at TSGM by KR survivors
- Annual public lectures on Case 001 and Case 002
- "Genocide trail", connecting TSGM, Choeung Ek and M-13 archeological site
- Completion of digitization of remaining 300,000 pages in TSGM archive (out of 700,000 total)
- Verification of the list of victims and full information on the TSGM archive / website
- Preservation of archives, including building maintenance and staff support
- Search for other S-21 documents
- Organizing a temporary exhibition on the legacy of the ECCC
- Outreach project on importance of KR historical sites, and updating location of KR crime sites and their preservation
- Preservation and conservation of objects of historical importance

---

## ● WOMEN PEACE MAKERS

18

- “Their History Our Future” initiative to foster public discourse about memory, working with KR survivors and providing the space to discuss experiences with younger generations, and helping young leaders of diverse ethnic groups and providing them with skills and leadership training
- Creative arts therapy

---

## ● YOUTH FOR PEACE

19

- Intergenerational dialogue, with students/youths collecting and sharing survivor narratives
- Conservation of crime sites
- Seven projects including history trainings; exposure trips to Anlong Veng, to the ECCC, and to the LDC; community dialogue with Khmer Rouge survivors for reconciliation and peace-building; truth-telling programs within families; radio talk show

---

## ● YOUTH RESOURCE DEVELOPMENT PROGRAM

20

- In-house and on-site trainings on KR history and reconciliation
- Community dialogue with KR survivors
- Family exhibitions
- Exposure trips to the ECCC, Anlong Veng, and the LDC
- Intergenerational dialogue
- Radio talk show on issues of concern



As enumerated above, 20 organizations and individuals responded to the call for proposals. In total their submissions encompassed approximately 85 distinct proposed projects. There was wide variance in the scope and detail of the submissions, ranging from brief, general descriptions to detailed project documents. The submissions came from individuals, government officials, international NGOs and institutions, Cambodian organizations and institutions, and universities. They also ranged in ambition, duration, scope, cost, feasibility, and practicality. Together they reflect a broad interest in ensuring that the work of the ECCC is carried over into a long-term legacy that will benefit victims and their families today and in the future. They also represent a wealth of experience and human resources that, if properly supported and channeled, can play an important role in implementing the aims of the residual phase of the ECCC as outlined in the Addendum, interpreted in the Co-Rapporteurs Report, and embodied in the current Workshop.

The Co-Rapporteurs’ brief overview of the submissions identified eight general categories into which, on their account, all of the submissions fall under:

● GUIDING PRINCIPLES FOR VICTIM-RELATED INITIATIVES IN THE RESIDUAL PHASE	● EDUCATION ABOUT TRANSITIONAL JUSTICE AND THE ECCC
● INFORMATION THROUGH VARIOUS MEDIA OF/TO THE GENERAL PUBLIC ABOUT THE ECCC	● DATA ORGANIZATION, EVALUATION, AND PRESERVATION
● COMMUNITY RECONCILIATION, TESTIMONY, MEDIATION/ ALTERNATIVE DISPUTE RESOLUTION	● MENTAL HEALTH INITIATIVES
● ACADEMIC RESEARCH IN VARIOUS FIELDS	● MONUMENTS, STUPAS, CEREMONIES

Suffice it to say that, although these categories do, in a general way, encompass most of the submissions, they do not do justice to the substantive aspects that differentiate and distinguish many of them. For example, the first category, “Guiding principles for victim-related initiatives,” does not reflect the way in which submissions articulate principles but then focus upon creative ways in which they can actually be implemented. The same is true about the categories of “education,” “mental health initiatives,” and others. If the Co-Rapporteurs aimed to synthesize the proposals into a set of initiatives that would represent both a way forward and a framework for future residual activities, then a much more nuanced and detailed analysis and discussion of the impressive array of submissions would have been appropriate and necessary.

In regard to what the Co-Rapporteurs refer to as “general recommendations” contained in the submissions, their Report endorses four specific ones:

- Implementation of the principle of “do no harm” reflected in avoidance of re-traumatization and respect for the privacy of victims;
- Prioritization of projects that build upon previous work;
- Encouragement of cooperation between academic institutions and community-based projects; and,
- Consolidation, preservation, and publication of all available information about victims to ensure that it is preserved.

These recommendations identify important issues that the submissions and the Workshop demonstrate need to be addressed in designing and implementing the residual phase. It would have been helpful if the Co-Rapporteurs had fleshed them out and integrated them into an analysis of the actual content of the submissions. The analysis of the submissions made during and after the Workshop on the next pages will discuss how such issues were carried over into the Workshop and the recommendations that it gave rise to.

# DISCUSSIONS AND PLENARY SUBMISSIONS FROM GROUPS AT THE WORKSHOP

During the workshop, the approximately 90 participants — including Civil Parties, lawyers and parties of the ECCC, representatives of NGOs, international organizations, and academia — were split into eight different working groups to focus on different issue areas with opportunities for developing and strengthening programs centered on victims. Participants were deliberately split up into different groups and thematic areas so as to allow active participation and to bring participants to focus on their thematic area, and to think beyond their individual and organizational work.

Participants were grouped according to the eight following core themes:

- 01** CIVIL PARTIES ONLY

---

- 02** MENTAL HEALTH, HEALING, AGING & LONGER-TERM DUTIES TO VICTIMS

---

- 03** ARCHIVES & DOCUMENTATION & WITNESS AND CIVIL PARTY PROTECTION

---

- 04** HISTORICAL SITES, MONUMENTS & ACTS OF REMEMBRANCE

---

- 05** ETHNIC AND RELIGIOUS MINORITIES

---

- 06** ACCESS TO JUSTICE AND LEGAL AID

There were five group-work sessions in total throughout the three workshop days. Each session was guided by a facilitator from the ECCC, and they were provided with a facilitation guide with questions and issues to raise during each session to ensure a structured discussion.

In the first group work session on the afternoon of 3 May, groups were asked to introduce themselves, and share initial backgrounds, projects and organizations. Following introductions and icebreakers, participants were asked to discuss the three themes of recognition, remembrance, and reconciliation. This first session was also provided for the Civil Parties attending to meet first with their lawyers and with the CPLCLs who were in attendance, to have a chance to gather as a group and also to hear from their lawyers about the goals for the week's workshop and for some background on the ECCC's new residual mandate.

After the subsequent keynote address from Mr. Karim A.A. KHAN, QC, Chief Prosecutor of the International Criminal Court, participants had an opportunity to gather again in their groups for the second group-work session, which focused on lessons learned from previous experiences working with victim-survivors and with the ECCC, and developing a set of shared principles and values for future programs.

Participants were asked to consider how we remember, and how we avoid repetition and give meaning to the phrase "Never Forget." Participants listed what they thought victims needed most, or what they would most want to see for their group's issue area. Participants were well-equipped to do so given their extensive years of working with victims and survivors in many capacities, both with and outside the ECCC. Participants discussed not only what victims would like to achieve, but also how to make that happen, and what common challenges they have faced in implementing this work so far. They were also asked to consider what could be done

better, and from that, what shared principles and values should be imbued into future programs.

On the second day of the workshop, the participants continued conversations in their working groups related to different goals and topics for designing victim initiatives for the residual phase of the Extraordinary Chambers. Following the keynote by Dr. Christoph Sperfeldt, groups resumed their group-work sessions, focusing on driving sustainability, synergy, and longer-term integration of civil society efforts at wider reconciliation. Participants were asked to consider how to build Cambodian institutions so that these institutions could have staying power and set an example for the region and the world. The discussion focused on building on the needs and wants discussed in the second group work session the day before, and participants were asked to think about what types of programs or proposals could respond to the needs listed. They were also requested to consider whether some of the existing programs identified in the earlier group work session could be expanded to meet these needs.

In this session, participants were additionally tasked with drafting a purpose statement for a proposal based on their group theme. This brief statement should include a paragraph on what contribution this makes to Cambodia as a whole, and how it can set an example for the region and the world. This was in preparation for the first plenary session that took place after the lunch break on Day 2.

That afternoon, participants took part in the “midpoint plenary session,” where they briefly presented what their groups had discussed so far and addressed the main needs and concerns within their thematic areas. They updated one another, and began to present their suggestions for programs, perspectives on shared principles and values, and comments on one another’s presentations. Civil Parties shared their suggestions and reactions as well.

In the fourth group-work session, on Day 2, participants resumed discussions on their proposals, and in particular, were asked to think about gender mainstreaming and how to include marginalized voices in their proposals. This session focused on the theme of inclusion and recognition of all victims and survivors. The emphasis here was on bringing attention to ethnic and religious minorities, and amplifying the involvement of and outcomes for younger generations.

On 5 May 2022, the first half of this final day of the Workshop focused on preparations for the final group presentations which took place that afternoon in a lengthy plenary session. In the afternoon, the seven groups focused on the seven specific topics took to the stage to make their final presentations of proposals on their thematic areas, based on their active group-work discussions over the three days of the Workshop. The eighth group of Civil Party attendees were then given the floor to respond to these proposal and in general share their feelings and hopes for the ECCC Residual Phase going forward. The Civil Parties' active participation in their groups' discussions and in the plenary proved to be invaluable in providing insight into what victims and Civil Parties would hope to see through the Residual Phase, ensuring their voices were heard and directly shaped the proposals suggested here.

In the next part of this report, we will detail each group's discussions, from their group-work sessions, into the plenary sessions, and into their final group presentations on the last day of the Workshop. We first summarize the proposals from the different groups in the table below (and in the case of the first group comprising Civil Parties, a list of their needs and ideas which they collected).

---

## ● CIVIL PARTIES

01

- Establish association for victims of the KR regime which supports policies for aging survivors and must be sustainable for the longer term
- Equitable cards to be distributed to CPs – a card for free or discounted health services/treatments
- Information must be given to CPs – including life skills training for children of CPs
- CP stories must be included in school curricula
- Medical treatment in relation to mental health issues, especially for the older aged CPs
- Participate in any workshop about victims and CPs - ideally two or three times a year
- Traditional medicine and treatments to be written into a handbook (e.g. using fruit and herbs etc.)
- Participate in any workshop about victims and CPs - ideally two or three times a year
- Commemoration of 20 May Remembrance Day
- Protect legacy of ECCC testimonies and documents

### ● MENTAL HEALTH, HEALING, AGING & LONGER-TERM DUTIES TO VICTIMS 02

- Collaborations with Ministry of Health, Min. of Social Affairs, Veteran and Youth Rehabilitation, Min. of Labor and Vocational Training, Min. of Interior, National Committee for Democratic Development
- Exploring existing framework, mechanisms, integration, gender and minority mainstreaming
- Promoting health and life quality of Khmer Rouge victims/survivors through strengthening social support structures and Cambodian SDGs
- Work together with Older People Associations which already exist, organized and established by Ministry of Social Affairs, available at grass-roots level

---

### ● ARCHIVES, DOCUMENTATION, WITNESS & CP PROTECTION 03

- ECCC archives must be organized in user friendly way to allow broadest possible access to widest range of users, with inclusion of largest number of documents possible depending on reclassification by the judges, with assistance of legal officers and technicians directly supervised by the judges, and must be part of the broader archive linkage project
- Reclassification for broadest possible access to ECCC documents – with Do No Harm principle
- Creating links to existing archives, to ensure access to all. Adding and linking testimonies and stories of CPs with NGO initiatives for interactive projects
- Support CP Lawyers, CPLCLs, VSS to reach out to all CPs and other victims about end of ECCC's work
- Support WESU/VSS in resuming/continuing protection programs for CP and witnesses

---

### ● HISTORICAL SITES, MONUMENTS & ACTS OF REMEMBRANCE 04

- Mapping Khmer Rouge sites in Cambodia (developed further after workshop, see next section for proposals received after workshop)
- Collection of history and stories from the survivors, including from former detainees at security centers
- Promote legacy of the ECCC – based on experience with Nuremberg, preserved as a historical site and museum so what about ECCC
- LDC can play an important role on remembrance

---

## ● ETHNIC AND RELIGIOUS MINORITIES

05

- Documentation Center focusing on Khmer Krom and Vietnamese – focusing on crime sites closer to them in Takeo, in Wat Prateap – closer to their communities
- Survivor association for former KR victims
- Intergenerational dialogue on peace education, to develop skills to non-violently address conflict
- Social protection, access to identification documents

---

## ● ACCESS TO JUSTICE AND LEGAL AID

06

- Establishment of victim association
- Research institution and legal center to promote research activities
- Building of stupas in all provinces and municipalities
- Medical treatment and mental health support to be made free to all survivors

---

## ● INTERGENERATIONAL DIALOGUES AND YOUTH

07

- A Center for intergenerational dialogue where each partner (NGOs and state institutions) can bring their knowledge, skills, and field expertise and support each other based on different sectors
- Responsive program for mental health support and trauma debriefing for both survivors and youth

---

## ● RECOGNITION AND REPARATION FOR CONFLICT-RELATED SEXUAL VIOLENCE

08

- Education on KR history – integrating into school curriculum, but need to include focus on SGBV
- Intergenerational dialogue at the community and family level with a focus on skills and capacity building



# 01

**DURING THE MIDPOINT PLENARY SESSION ON DAY 2 OF THE WORKSHOP, THE CIVIL PARTIES WERE FIRST AND FOREMOST GIVEN THE FLOOR TO SHARE WITH EVERYONE THEIR DISCUSSIONS UP UNTIL THAT POINT IN THE WORKSHOP.**



↑ The civil party group participates in a group-work session on the second day of the workshop.

While they were not expected to prepare a specific project nor work towards a presentation, it was critical to hear directly from them about their needs and wants, and aspirations from being part of this Workshop. The group took the opportunity to share with the whole conference an organized list of eight priority areas and needs that they were hoping would be addressed as a result of the Workshop and ensuing developments through the ECCC Residual Functions.

Firstly, they wished to see the establishment of a victim association for victims of the Khmer Rouge regime. They acknowledged that Civil Parties are getting older and many feel like they may not have received justice, and have continued to live in doubt about whether they would. They asked to have a victims association be formally registered (perhaps with the government for example), for the purposes of

providing a platform for Civil Party voices to be heard. They shared that any policy had to be sustainable in the longer-term, given their older age.

Secondly, Civil Parties called for “equitable cards” to be distributed to all Civil Parties. The idea was that this card would be used for health services and medical treatments, at a reduced cost or for free. Such an ID card system was also mentioned in several submissions received prior to the Workshop, as contained in the Co-Rapporteurs’ report. The Civil Party group acknowledged that in order for such an initiative to happen, there would be a need for financial support or a budget package, that could provide the framework for such assistance for Civil Parties. The Civil Parties shared that such an initiative would further encourage them, given the contributions they have made as Civil Parties and with sharing their stories of survival.

The third idea shared was to continue participating in workshops about victims and Civil Parties. They shared their enthusiasm in being able to join the workshop and to use it as a platform to represent Civil Party needs, and would like to see more of such workshops occur, especially throughout the residual mandate. Ideally, they suggested that such workshops take place two or three times a year, as this would provide the opportunity for regular engagement, and allow for more participants to join the workshops. It was also suggested that this could be tied to opportunities to participate in 20 May Remembrance Day commemorations.

Civil Parties also shared that they wanted to receive more information. In general, they showed eagerness to be more connected to the ECCC, their lawyers, and related NGOs. Due to Covid and other factors, they had not had much engagement with the ECCC in the last few years and were keen to be continually engaged. Within this engagement, the Civil Parties also shared that they wanted to see more opportunities for their children, acknowledging the importance of the next generation given their old age. They suggested organizing life skills training for the children of Civil Parties as an example.

As their fifth suggestion, Civil Parties asked that their stories be included in school curricula. This again showed their eagerness to tell their stories, especially as it would reach the younger generations of Cambodians who were born well after the fall of the Khmer Rouge. They hoped to see, beyond the existing curriculum that focuses on the history of the Khmer Rouge era, for their personal narratives to be incorporated in the school curriculum, so that students around the country would be able to learn from their stories.

The sixth need that the Civil Party group expressed was to have medical treatment, and

unlike the second suggestion listed above, for this treatment to focus on mental health issues, especially for the Civil Parties who are older and more aged, as they are more in need of such services. Some expressed that they had spoken with TPO during times they had visited the Tribunal, or they had spoken with others, and that this was very important for them to understand their experiences as survivors and to deal with the issues they continue to face.

The seventh request was to create a handbook that would document traditional and herbal medicine that is commonly used in Cambodia. The motivation behind this was to have such a handbook tailored for older people in Cambodia, making it easy for them to use, and making any herbs or fruits used in such treatments more accessible to older people around the country.

Lastly, the eighth suggestion was about maintaining the legacy of the ECCC. As Civil Parties who have made filings to the ECCC, filled in Civil Party applications, and shared their testimonies, they shared that they would like to see this legacy maintained, and organized. They suggested cooperating with the Ministry of Culture and Fine Arts to do so. This legacy would acknowledge them as “living treasures,” which is the appropriate localized term.

Finally, the Civil Party group shared some reflections, on top of the list of needs they identified. They asked about their role as Civil Parties beyond the three-year mandate of the residual mechanism. They also spoke about how the government has established commune-level associations, however due to a lack of implementation and engagement, they did not seem to be effective. They suggested that they could help other grassroots officials in coming up with the association of victims as mentioned above, in their first suggestion.

As participants in workshops such as this, the Civil Parties felt that they could be more effective in helping to implement such commune associations, and they would like to involve both the government and organizations to engage in work at the grassroots levels, knowing that grassroots levels have limited capacity.



02

IN THE FIRST GROUP-WORK SESSION, GROUP 2 REFLECTED ON WHAT RECOGNITION, REMEMBRANCE, AND RECONCILIATION MEANT TO THEM, AND WHAT IT MEANT FOR THE VICTIMS.



↑ Ms. Yim Sotheary, Psychotherapist, Peace and Conflict Consultant, and founder/CEO of Sneha, delivers her keynote address, “Journey of Healing for Victim-Survivors,” on day 1 of the workshop.

This group also included two Civil Parties who participated in the group discussions and provided insights into this topic that helped shape the group’s views and final project presentation at the plenary on 5 May.

On the topic of recognition, participants shared that to them, this meant recognizing events that had occurred in the past, and the recognition of the painful experiences that survivors experienced. This also meant a need to acknowledge and accept what had happened, and this recognition also needed to come from legal institutions. Recognition also included sharing individual stories of the past and the sharing of verdicts of the past with the rest of Cambodian society. This recognition also needed to reach more local levels, including recognition by families as well, and the opportunity to share what they, the victims, wanted

to share. Recognition for participants in this group also meant an official form of recognition through victim identity cards from the government and through victim certificates from the ECCC, for example.

For this group, reconciliation signified healing and fixing issues such as being disconnected with ourselves, and our family members for example. Healing in this regard meant communicating with survivors and keeping this healing aspect for the younger generations as well. They explained that reconciliation could help to reunite people, and allow them to live together peacefully. On an individual level, it meant self-reconciliation and family reconciliation, but also on a larger scale, national reconciliation. Reconciliation also meant achieving a peace between the past and present, and ensuring that this peace is a lasting one, through

focusing on a positive understanding or peace and harmony. The group also noted the need to include perpetrators in dialogue, if that would help to ease the suffering of victims and to support the understanding of past actions better.

On the topic of remembrance, the group discussed that this meant memories of the past, and this could include both good and bad memories. Remembrance starts when long term memories are made, but this can also create suffering and trauma, when remembering these bad memories. Group members shared that remembering memories should also include knowledge and the need to heal from certain memories. Remembrance also meant sharing these feelings from the past and using it to remember the past, and sharing that knowledge with the younger generations.

The group's participants discussed what they could do for victims, and turned to the Civil Parties in the group to share what they would like to see in terms of shared principles and values for future programs. The two Civil Parties in this group (Pech Srey Phâl and Morn Sothea) shared that they would like to see more outreach to remote areas to create sustainability, and that any program should be friendly with victims, which would compel them to share their stories more. The Civil Parties also shared that they could help inform victims about the ECCC and its justice process. An important need of victims they identified was that of their health care and well-being. Improving the standard of living for victims was highlighted as this improves their daily circumstances and can provide them with a sense of peace and the opportunity to enjoy life again.

The Civil Parties in this group also mentioned the need for victims to have some form of acknowledgement, especially if they partic-

ipated as Civil Parties. The example of how the Civil Parties in Case 001 received letters from the Court proved to be some form of acknowledgement, and it would be good to repeat this acknowledgement in Case 002. This could be followed with meetings arranged with the government to meet and express this acknowledgement for victims, especially at the grassroots level. They recommended the continued collection and documentation of Civil Party and victim testimonies, and the need to advocate for other institutions to focus on the content of these stories, to ensure the preservation of their experiences. This documentation was important as the Civil Parties noted that the younger generation does not often believe these survivor stories, and such preservation of stories would help them believe and then understand what happened. Supplementing these stories with photos would be helpful, and ensure that their stories are not forgotten.

Other participants added to this discussion and shared that activities during the residual mandate could focus on senior health care services for victims, and that could accompany other initiatives such as social assistance measures (for example cash transfers). The group also identified the need to document and share victim stories, similar to what the Civil Parties shared, and to further develop the curriculum with the inclusion of more lively aspects, such as with pictures (if they are not [re-]traumatizing). Similar again to what the Civil Parties shared, they emphasized the importance of assisting victim-survivors with general health care and with psychological treatment, especially in remote area, and the need to help victims deal with bad memories so that they may heal mentally.

In determining a set of principles and shared values for future programs, the participants iden-

tified the following. As a principle, there was a need to support the process of the ECCC's exit or winding down for the victims, given that not all expectations would have been fulfilled. There was a need to consider future generations and that the residual functions needed a strong focus on sustainability. Mental health support was also identified as an important shared value, and the need for it to be available even after the ECCC. In order to achieve this, the group identified boosting the public health sector's potential, the need for widespread outreach and education about mental health, and easy access to such materials for anyone to be able to do some form of self-care exercises for themselves.

Furthermore, the group addressed a key point in this process, that of communication. They highlighted that listening to victims remains crucial, and that the way and style of communication with survivors must be very sensitive and impactful, for example in how to speak with them, inform them, listen to them, respond to their request and needs, and even in how we speak about them. Communication was also important in reaching relevant organizations, and in this group, some NGOs that had not responded to the earlier call in the Co-Rapporteur's report shared that they felt excluded, or that the group topics to which they were assigned in the workshop did not always seem suitable to their capacities and interest in supporting the process.

On what future programs could look like, the group brainstormed several ideas. The first idea was on improving livelihoods, as an accompaniment for mental health. For example, Civil Party Morn Sothea expressed that his living standards would have been (hypothetically) improved if his parents had survived, thus an improved living standard would provide him with

justice for his losses and at least provide him a bit of peace. Such a livelihoods program could be accompanied by social assistance to make it especially relevant, however participants nevertheless stated that it should also include the middle class. An alternative was to make such a program available for victims if they acquired a special status or identification as such, following from the parallel to the "IDPoor" scheme.

On the issue of healing, the group brainstormed that focusing on healing was important to respond to Cambodian suffering, and that healing especially for chronic issues, like panic attacks that cannot be cured sustainably for many, requires assistance with medication from time to time to be eased. This was in reference to panic attacks, but also noting that other psychiatric needs would arise.

On continuity after the ECCC, the group suggested lawyer outreach as a new program, and potentially with new people. One of the Civil Parties shared that in her region of Pursat, there are 114 Civil Parties, and they really benefited from a peace-building program, to reach a peaceful society and healing through the acknowledgement of more victims. For example, she shared that the visit of a lawyer that respects the fact that Civil Parties contributed largely to healing was important, and in such meetings, the provision of an allowance and food during the meeting was important. Continuing such visits like this is very important (including visits from others who are not only lawyers), as that creates a sense of not being forgotten for the Civil Parties. The group also asked to consider the feelings of survivors that were never given the opportunity to open up in front of the Court, noting only 380 spoke at the court while many thousands still did not speak in such an official setting.

In ensuring sustainability in any of these programs, the group shared that this required the sustainable participation of other relevant actors. The group identified that the Ministry of Health, Ministry of Education, National Social Security Fund, Ministry of Labor, National Social Protection Council, and others would be relevant examples.

The group also reflected on best practices for mental health that would be pertinent for the group's discussions. Reflecting on TPO's model of parallel work for mental health practitioners who work alongside TPO, the group suggested that this could serve as a model to further involve state hospitals, and in the training of other clinical workers, doctors, nurses for example. They also reflected on using TPO's methodologies, such as testimonial therapy.

The group started to develop their project at this point on mental health, considering the sustainable development of such a project for victims of the Khmer Rouge. They focused on history, memory, the delivery of services (TPO currently stands alone but cannot be sufficient), and how collaboration is necessary, especially with the Ministry of Health. A project on this topic needs to also focus on intergenerational dialogue and how it supports mental health, and the need for education and outreach so that victims and survivors know how to help themselves and are educated on physical and mental self-care. They identified a need for a synergy of the issues, with more support from the government of Cambodia, and such that development agencies are more engaged, therefore maximizing the roles of the government to increase support to the survivors.

The two Civil Parties shared that reaching out to all 24 provinces in Cambodia is very

important, as is the integration of activities in any development plans for communities, therefore also involving the government. They sought a common goal for the next three years, as part of the residual mandate, specifically on health support consultations and physical rehabilitation particularly for the older victims. They stressed the need to ensure ownership in the process, by laying out clearly when and how Civil Parties can express their needs, and have some influence in terms of budget (e.g. through the VSS, or through an investment committee), and to allocate the budget according to the size of community and integrate it into the development plan of the community. Successful implementation could also include local community activities such as the building of stupas or conducting rituals at these stupas.

The group then discussed the salient points of their proposal on this topic, and agreed that the target group would include victims and survivors, which meant for them the whole population of Cambodia which experienced and went through the Khmer Rouge regime. It would also include their family members. They identified the need to have a formal agreement, in which the government's engagement is outlined, and for the ECCC to collaborate with both international and national government institutions. In particular, engaging the government through the Ministry of Health was identified as a key point in this discussion, along with the National Social Protection Committee. There would also be a need to involve the support from various NGOs, especially those working to already support Civil Parties and victims. Before rolling out such a project, it would be necessary to conduct some pilot research, and any advocacy plans could include poverty reduction as well.

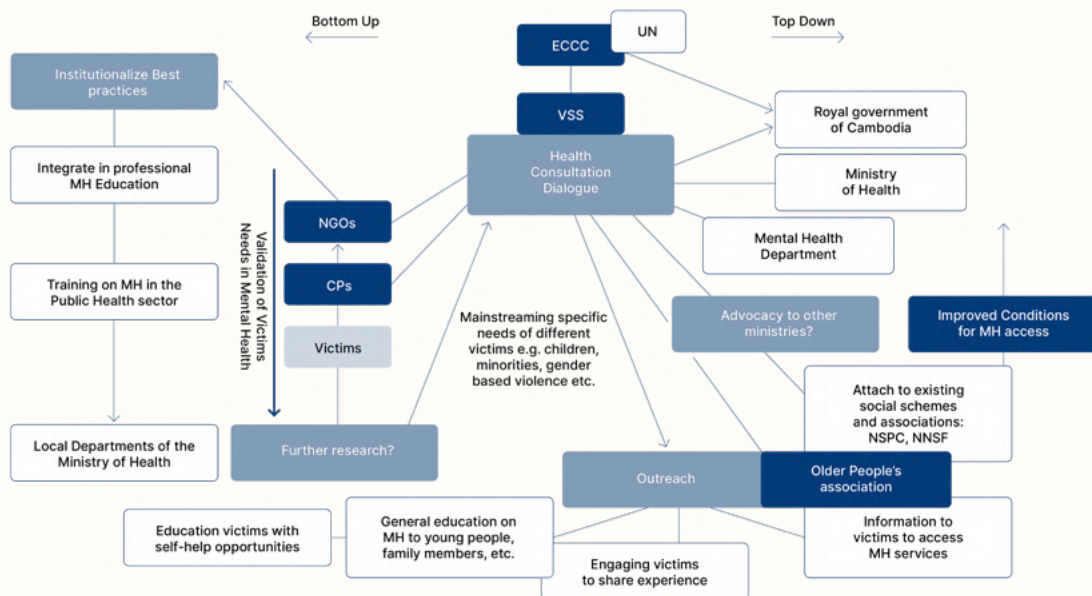
They group broke down their goals into four topics, integrating all group member's suggestions:

- Extending government roles in rehabilitation, supporting and promoting elderly human development to Khmer Rouge victims and survivors;
- Promoting and embedding mental health, psychosocial and physical care in a needs based social support structure for the future of Khmer Rouge victims and survivors in the 24 provinces of Cambodia;
- Implementing a sustainable and governmental program to promote mental

health and healing through developing peace building, social assistance and psychosocial support for Khmer Rouge victims and survivors and for next generations;

- Sustainable development for Khmer Rouge victims and survivors through recognition, remembrance, reconciliation and rehabilitation.

The group also drew up the helpful chart below, which provides a rough overview (with some structural explanations) of the core project ideas developed. The diagram also shows the potential impact of this project or potentially added needs, as marked with question marks:





CSOs, the ECCC, and VSS are important in providing support to victims, on mental and physical health issues as well as poverty, and this should be tackled, through dialogue to discuss needs and requirement of victims, advocacy for old and senior people, dialogue with all stakeholders, engagement and highlighting of the responsibilities of state institutions (especially the Ministry of Health), self-help groups for older people, and a focus on sustainability.

The group also identified gaps that would need addressing. These included a need to understand existing health structures, identifying how to involve the public, how to include a livelihood program within this larger health program structure, how to define broadly self-help that would benefit many, how to reach beneficiaries at local levels, and how to ensure access to such programs and to provide information campaigns doing so as well.

In the final group-work session, this group also considered some final thoughts, such as ensuring equality among communities in addressing such mental health issues, and the need for focal points to help disseminate information. This could be through the older

people's associations, and working together with Civil Parties to ask for support from local governors. The Civil Parties emphasized the importance of including the government in this process, but to keep the role of Civil Parties to provide engagement on the local level and empowering them through this involvement.

In ensuring access to such services for all, the group also identified the need for some kind of platform or mechanism to integrate these plans into communal plans. Such a platform could also be in the form of a place for victims and survivors to access services. They decided it might be helpful to establish a list of victims and Civil Parties who can work closely with health services to ensure access and that this could be shared with the provincial governors to combine with allowances for those over 60 years old. One Civil Party in the group emphasized that having Civil Parties as Civil Parties would help engage people and provide information points for others. There was a risk acknowledged, that sometimes when meeting in groups, Civil Parties have been accused of engaging in political work, but often at the district level they were trusted and known, and this risk was less.



## 03

**GROUP 3 FOCUSED ON VICTIM-CENTERED ARCHIVES AND DOCUMENTATION AND THE PROTECTION OF WITNESSES AND CIVIL PARTIES.**



↑ Ms. So Farina, from the Documentation Center of Cambodia (DC-Cam), presents to participants on day 2 of the workshop.

The participants in this group pointed out early on that they would ideally like to see a multiplicity of archives, without just one in particular, which would be focused on achieving a common objective to provide information and data on Khmer Rouge history. Instead they proposed a system where the ECCC archives could be linked to other archives, supporting coordination efforts between different archiving entities.

Group 3 focused on not creating more archives or archiving entities, but to coordinate between existing NGOs and archive holders. Participants suggested creating and establishing a permanent body or forum discussing archival content, organization and access, documentation and other issues relevant to NGOs working on Khmer Rouge issues. This would also involve including the relevant authorities,

given the three-year mandate for the residual functions of the ECCC.

They felt that the most effective way to ensure access to all relevant information across the different existing archives was to create links and networks of archives that focused on the Khmer Rouge. The focus was to rely on existing internet networks and learning centers across the country as hubs for access to the archives, therefore making hubs in the provinces to access archives as well. To the extent they are created, this could also mean using memorial sites as such gathering places, with archival link access, and making these gatherings and existing places as meeting places to include educational elements too. This would also provide a central location for the provision of services and information about sources of services and how to gain access to them.

On operationalizing coordination, Group 3 discussed coordinating between the ECCC, NGOs and the RGC, to share links relevant to archives. NGOs, the ECCC and other relevant organizations could also give a copy of their archives to the government on a longer-term basis, while still retaining the original archives in their respective organizations. If those involved were less concerned with ownership issues, the group also considered the possibility of creating a “super” archive on the Khmer Rouge, with locations in provinces as mentioned above, with internet access, so that individuals with no alternate access would still have places to access them.

A concern that arose during group discussions was the need to clarify privacy and consent issues for victims and Civil Parties regarding ECCC archives. The group agreed that the goal should be broadest possible access to a maximum number of Court documents, as long as this was consistent with privacy and other interests such as copyright. This therefore meant that reclassification is critical to achieving this goal and should be considered high priority for judges after the Case 002/02 appeal judgment is delivered. Such reclassification should be based on a systematic, consistent analysis of documents currently classified as confidential, in order to properly balance maximum public access to the largest possible number of documents with privacy and other legitimate interests. This should be conducted by legal officers and technicians working under the direct supervision of the judges.

They further reasoned that cases which did not go to trial and have been “sealed” should be “opened” by judges to allow for analysis and reclassification as public of the largest num-

ber of documents in those cases as possible, and that submissions from the parties, including Civil Parties, should also be part of the process.

The guiding principle throughout should be the “Do no harm” principle, to ensure that Civil Parties and victims are empowered in this process. They considered the possibility that Civil Parties and victims might want parts of their testimonies, statements and applications which have been kept confidential so far (for example, with stories of sexual violence, or accusations against community members) to remain confidential. Therefore it was important to seek their consent or, if that was not possible to do, systematically redact identifying information, before making all such documents public. Civil Party lawyers, CPLCLs, VSS, and WESU may be best placed for this contact with Civil Parties and victims.

To finance the project, the group considered short term and longer-term solutions. Consistent with the residual functions, they considered that the ECCC should be involved, perhaps in the role of advocating in favor of financing other projects beyond that of the residual function. They recommended the inclusion of such archive-related activities in the five-year national financial action plan, with the ECCC’s facilitation. They also identified the need to create or reinforce legal frameworks and agreements for the sustainability of archives, and to coordinate with the Ministry of Culture and Ministry of Education to do so. The group suggested organizing archive-focused meetings to explore options on how to link archives, and suggested also involving, for example, the UN Trust Fund in Support of Victims of Sexual Exploitation and Abuse, the UN Voluntary Fund for Victims of Torture and

the UN Trust Fund to End Violence Against Women.

The group supported structuring, organizing, and regulating access to all Khmer Rouge archives to be inclusive and user-friendly for all levels of users. The group discussed that this translated to involving the victims in the design of the archives in terms of what additional types of information should be captured and preserved, such as more personal stories. This could involve conducting a baseline study with the victims, therefore considering what is victim-centered.

There is also a high priority to ensure the archives are available in Khmer. This also meant that there was a need to acquire IT programs which read Khmer scanned documents and could translate documents into Khmer. Having decentralized access for archives means making them available online for individuals and also in various places for those with no individual access and for any hard copy archives. Hard copy archives could be kept at the ECCC or Legal Documentation Center (LDC). This would ensure the broadest possible access to the archives for the entire public. Within such access, there should be various user-oriented access levels for the archives (for example related to children or the elderly). The archive of the International Criminal Tribunal for the former Yugoslavia (ICTY) was referenced as an example here for how to ensure user-friendly simple or advanced access.

To ensure engagement with the archives, the group suggested adding to and linking testimonies and stories of Civil Parties with NGO initiatives for interactive projects. There could also be projects launched to attract different segments of the public, especially youth, to

material in the archives. Engagement with the archives could also be included in school discussions of the DK period, or youth activity groups could be formed.

In terms of organizing content, the group identified the following needs: to ensure availability of both digital and physical content, to create exhaustive indexes of existing materials and to the extent possible organize the archives based on this index, to create a user-friendly searchable website or webpages to the archives, to define broad search criteria which ensure maximum access, and lastly to ensure regular updates.

The group also briefly discussed protection measures for witnesses and victims, and identified the need to clarify the scope of assessment and criteria that is used for the protection of victims and witnesses, and how to assess any security threat (objective and subjective assessments), along with concerns for privacy, wellbeing and dignity. This could be linked to archives too. They identified the need to support WESU and VSS in protection programs for CPs and witnesses, and to support Civil Party Lawyers, Civil Party Lead Co-Lawyers and VSS in reaching out to all Civil Parties and other victims about the end of the court's work.

Finally, the group addressed the fact that they believed that many of the identified victim-oriented programs could be beyond the control and residual mandate of the ECCC. There was a need to avoid "mission creep." They identified that the role of the ECCC in many of these projects may be advocating for funding and expansion of the activities of other entities. For example, the ECCC can advocate with the government for expanded services and for allowing links to relevant government

archives to be part of a broader archive linkage project and including those other links in its archives, and compiling lists of victim identified needs and providers of those needs and contact information of those providers. In terms of archives, the ECCC archives need to be organized in a user-friendly way to allow

the broadest possible access to the widest range of users, with inclusion of the largest number of documents possible depending on reclassification by the judges, with assistance from legal officers and technicians directly supervised by the judges, and must be part of a broader archive linkage project.



04

THIS GROUP INITIALLY SHARED THEIR EXPECTATIONS FOR THEIR TOPIC. SOME SOUGHT TO CREATE SUSTAINABLE EDUCATION IN CAMBODIA ON THE HISTORY OF THE KHMER ROUGE REGIME, AND TO RECOGNIZE THE VALUE OF KHMER ROUGE HISTORIC SITES.



↑ The ECCC organised a public forum in the former Khmer Rouge strong hold of Pailin, in the North-Western part of Cambodia, some 400 km from Phnom Penh. Around 300 former Khmer Rouge soldiers, police, villagers and local government officials participated.

They also wanted their discussions and proposal to encourage young people to study Khmer Rouge history and also the work of the ECCC.

In the first session, the group’s participants described what the “three Rs” meant to them. Recognition meant, for them, that the ECCC recognizes crimes committed in Cambodia, and the historical facts surrounding this are acknowledged as well. This would lead to what they termed “historical empathy.” This would also allow for the recognition of Civil Parties and survivors as “living heritage,” a recognition that Civil Parties also shared in their sharing during the first plenary session and noted above. As for reconciliation, the group noted that this would be where intergenerational dialogue was important, as was dialogue between victims and pe-

trators. Psychotherapy was also important in reconciliation as it would provide mental health support for victims still struggling with the toll of what they suffered. On the topic of memory, group participants noted that this was manifested in how survivors still suffered from both physical and emotional pain. It was therefore important to compile, present and publish victim testimonials, and observe and commemorate the Day of Remembrance. The construction of stupas was highlighted as an important site of memory, and that it was important to maintain and preserve Khmer Rouge historic crime sites.

This group suggested that in remembering the DK regime and its history, the 20 May Day of Remembrance should be reinstated as a national holiday, and on this day, ceremonies could be held at crime sites and other monu-

ments. These crime sites could also provide a space for establishing outreach programs, and there is a need to allocate a budget for annual outreach programs. These programs could also incorporate lessons of legacy from Khmer Rouge history, and should also be included into the national education curricula. Crime sites also need to be preserved through labelling physical evidence and properly updating crime locations. A proposal on this topic could focus on some priority areas and the preservation of remains and locations. Doing any of this would also involve mobilizing both the relevant communities and government in such crime site conservation. There was also a need to publicly emphasize the importance of remembering the victims of the Khmer Rouge and to establish memorials in all provinces and municipalities around Cambodia. In particular, attention should be paid to remembrance for indigenous communities as well. On documentation, the group discussed the importance of continuing to collate and send documents related to the regime to the LDC.

In order to operationalize their proposal, participants suggested starting with updating existing crime locations around the country. They noted that there were 196 prison sites during the DK regime, and that these and other locations need to be actively mapped. Maintaining and protecting these locations is important and could be done in joint cooperation with the Ministry of Culture and other relevant institutions that work on the conservation of crime sites. There is a need to cooperate with local authorities, and not to establish a location just for the sake of it. This can be achieved by involving people in the communities and training those in the community to preserve the locations established.

There was a desire to make these locations into museums and exhibition centers where

dissemination events could be held for target groups. This would provide the space for a sustained dissemination campaign that would ensure their sustainability, and not be one-off events. The group also noted the need to mainstream gender awareness in any future program, and to pay attention to ethnic and religious minorities. To consider gender mainstreaming, they highlighted the need to take into account the challenge of time management and how much women and caretakers could spare, to ensure their participation (for example by bringing their children along). In considering ethnic and religious minorities, such crime sites and commemoration events can provide opportunities for ethnic minorities and religions to participate in the implementation of various activities at crime sites. Their participation could be encouraged by selecting community representatives to participate in the crime site conservation process. Youth should also be included in work on crime sites, through providing training on Khmer Rouge history and to encourage young people to work voluntarily on the preservation of crime sites.

In conclusion, the group decided to title their project, "Remembrance of the Khmer Rouge victims: identification and preservation of Khmer Rouge historic sites for reconciliation and recognition." The group also suggested the preparation of a list of victims names from S-21 and a Khmer Rouge book of remembrance. Participants spoke about providing history and information about crime sites at the local, commune level, and documenting these sites as a way of recognizing the stories of survivors. The Ministry of Culture and Fine Arts was identified as a possible implementing partner that could help with the mapping of sites and a national register of victims names. Other NGOs

would ideally collaborate on documenting the sites as well, along with training youth and teachers, and integrating the stories of these sites into educational programs. They identified the need to update the existing sites and build memorials at some of these sites based on what victims and Civil Parties need.

They also suggested a national dialogue on how to manage remains such as bones and other skeletal remains. Finally, participants suggested having a ceremony for Civil Parties with the King of Cambodia, providing an important form of acknowledgement for their status as Civil Parties.





05

GROUP 5 SPENT THE WORKSHOP DISCUSSIONS FOCUSING ON ETHNIC AND RELIGIOUS MINORITIES. SEVERAL OF THE GROUP'S PARTICIPANTS HAD WORKED CLOSELY WITH MINORITY GROUPS AND WERE ABLE TO BRING THEIR GREAT PERSPECTIVE AND EXPERIENCE TO THE DISCUSSIONS.



↑ Monks from Kampong Speu province sit in the waiting area of the ECCC to join the Supreme Court Chamber's appeal judgment pronouncement in case 002/02 against Khieu Samphan on 22 September 2022.

They spoke about how they have been reflecting on these communities and the ECCC since 2006 when the process of establishing the ECCC began, and that it was important to understand what to expect after the Court ends as it was not possible to expect the Court to resolve everything.

Acknowledging that the ECCC made great strides in this aspect in its findings of genocide against the Cham and Vietnamese people, other communities such as the Khmer Krom were not addressed within the Court's ultimate judgments. There was collective knowledge in the group, including from two Civil Parties in the group and from an Undersecretary of State at the Ministry of Education, regarding what happened in these communities as well. The group noted that there are crime sites close to the minority groups and that some documentation

centers already exist in some sites like Krang Ta Chan. These existing sites can also serve as locations for gatherings and remembrance days. Some group members shared that there are individuals willing to donate plots of land for the construction of future memorial sites. Other needs identified related to health services to benefit victims, and the need for education, rehabilitation and social services for minority groups. The group further identified the need for equal social services and the need to focus on cultural reconstruction with regard to community schools and encouraged the Ministry of Education to accept open-school applications.

The group's final proposal focused on developing a community-based documentation center that would incorporate physical and mental health programs, along with programs on Khmer Rouge history for youth.

They selected a target area in Takeo and as such their proposal was for a Documentation Center focusing on Khmer Krom and Vietnamese community members, and focusing on crime sites closer to them in Takeo province. They identified the location as well, that of Preah Theat pagoda in Kbal Domrei village, in Kok Prich commune, in Kirivong district, Takeo province. Having such a site close to their communities meant that it could also serve as a site to preserve oral history, be a place for dialogue, serve as a place for remembrance day on May 20, and can be used for younger generations to study and do research and for intergenerational dialogue. Such a site would also serve as a community place for psychological support and as an exhibition space for the general population and also for ethnic minorities. This would avoid prioritizing any particular group, and instead ensure a focus on the public. This would require working together with local authorities and youth and religious leaders. There was also a need to include schools to facilitate any field visits and educational programs. The proposal estimated a timeline of three years from construction, and the estimated start-up budget was \$150,000USD as well as \$50,000 in overhead costs.

Sustainability for the space was also important, and since it would be located in a local pagoda, it could also welcome contributions from the local community. A survivors' association could also help encourage support for the site and could also help generate funding.

The group further spoke about risk management in their final presentation, and the need to ensure trust and transparency in how the project would be funded and in its management. They encouraged the need for internal regulations to manage any problems or issues that might arise and the need for funding sustainability. The group also briefly touched on another project focusing on access to education and cultural restoration. The rationale for this project was due to the current lack of access to education for ethnic minority groups, and that such a project would help ensure a fair chance for education for everyone involved and access to education. This could be done in collaboration with the Ministry of Education and local communities, and the textbooks would be created and published also in the language of these communities. The identified beneficiaries would be at least 1,000 people and the target areas would be Kampong Chhnang, Kampong Cham, and Mondulkiri.



06

EARLY ON, GROUP 6 WAS ABLE TO BENEFIT FROM PARTICIPANTS WHO WORKED DIRECTLY ON ACCESS TO JUSTICE AND LEGAL AID.



↑ Ms. Kum Somaly, from the Center for the Study of Humanitarian Law at the Royal University of Law and Economics, presents to participants on day 2 of the workshop.

The Group focused their discussions on how to expand existing services and address any gaps, as there was not necessarily a need to come up with a new institution or idea given the institutions currently in place.

They discussed expectations for what happens even after a case ends, and the need for survivors and victims to understand this and to manage expectations. The group identified certain needs that Civil Parties and survivors had and proposed several ideas to address these needs. They suggested the building of stupas across the country, and that these could serve as places for gatherings and for reconciliation and remembrance. Funding was an obstacle in constructing more stupas and memorial sites, and the group identified the need for government support in doing so. They suggested that stupas could be funded with a mix of both

government support but also with fundraising from people and communities.

Participants also suggested that 20 May Remembrance Day celebrations should continue and that such stupas could be used as places for commemoration and gathering for victims and Civil Parties. These gatherings could also occur regionally. Participants also recognized the need for victims to receive free medical treatment. It was suggested that this could be done by issuing cards for those who were poorer and therefore unable to access treatment for financial reasons. This could be done in collaboration with the National Social Security Fund, and such a card could be extended to not just victims but elderly people in general who would need health care and services. Such access to services could be extended to provide mental health and healing services, with TPO's support.

On the issue of atrocity prevention, the participants shared that the needs for healing and mental health remain crucial, and that the ECCC is a lesson for the next generation and provides many lessons learned. This should be shared in a published platform so that others could learn from the ECCC. Discussions and talk shows could be organized to discuss and exchange ideas on atrocity prevention as well. Such a learning platform could also be established and coordinated in universities to enhance learning opportunities for young people.

The group's proposal presentation focused on several ideas, especially their suggestion to establish a foundation for victims and one that could also generate and provide fundraising opportunities in the longer term. Participants suggested taking the existing "ECCC Friends" network of international donors and transforming it into "Victim Friends." Legal Aid of Cambodia

could support the creation of such an association, and the LDC has rooms that could be used as the association's room and meeting place. The creation of a new association for victims can also continue to provide opportunities and jobs.

On the issue of legal aid itself, the group participants acknowledged that while it is available, the government should make it a reality for more victims, so that more are entitled to legal representation. This is especially after the ECCC closes, as legal aid may still be needed for survivors, and access to justice needs to be available even if the ECCC is no longer in the picture.

Participants also suggested having a legal clinic, possibly within existing universities and their law schools, to consult on legal research, even from the victims themselves. This would provide opportunities to train and engage the next generation, including law students.



# 07

FOR PARTICIPANTS DISCUSSING INTERGENERATIONAL DIALOGUE AND YOUTH, THERE WERE MANY BENEFITS THAT HAD EMERGED FROM CIVIL PARTY PARTICIPATION, AND ONE SUCH BENEFIT INVOLVED INTERGENERATIONAL DIALOGUE.



↑ Outreach activities in Prey Veng.

They acknowledged that an issue in this regard was that many youth still do not believe what happened under the Khmer Rouge, with some still considering it merely a theoretical issue, and not something that actually happened in real life. Civil Parties in this group shared that they wanted this theory to become reality through such intergenerational dialogue, bringing students to participate in research on KR history. The Civil Parties shared that such studies for students should include topics not usually covered like forced marriage and sexual violence, and on minority victims, as their participation is still limited.

On remembrance, participants shared the importance of collecting survivor and victim stories and the need to preserve them. They also recognized the need to preserve former crime sites and build memorial stupas at crime sites (similar to the suggestions made by

Group 4). Participants also suggested the building and creation of a memory and learning center where children and grandchildren of survivors could be recruited to work. This is further elaborated in the KDK submission received after the workshop, which can be found in the next section below. Exhibitions should also be conducted which involve Civil Parties and survivors, and a 20 May for Remembrance Day was given as an example.

Participants discussed the importance of collecting survivors' stories and preserving them. Disseminating them for students and in schools would provide the basis for intergenerational dialogue, and would allow remaining survivors who have not had opportunities to share yet the chance to explore possibilities for them to share their stories as well. Sustainability for intergenerational dialogue and engaging with youth would involve collaboration among

NGOs to avoid redundant work and to avoid any competition amongst one another. To address this, participants suggested creating a platform for collaboration between NGOs, and that this in itself could provide a type of dialogue or a platform for dialogue.

In their presentation on the final day of the conference, participants in this group shared the focus of their proposal, which was to create a center for inter-generational dialogue where each partner — NGOs and state institutions — could bring their knowledge, skills, and field expertise and support each other in different sectors. Developing a more responsive program meant providing mental health support and trauma debriefings to both survivors and young generations too. Their target groups would be Civil Parties and survivors of the Khmer Rouge, youth, high school and university students

and teachers, community leaders (including youth, religious and women leaders), local council members and local health workers. To ensure sustainability, the group identified relevant line ministries to seek cooperation with such as MOEYS, MCFA, Ministry of Women's Affairs, Ministry of Social Affairs, Veterans and Youth Rehabilitation, Ministry of Health, MoJ and Ministry of Commerce, along with cooperating with sub-national level authorities. They suggested establishing a knowledge management mechanism to transfer knowledge to state institutions to continue after the three-year residual mandate. Their proposed center could also generate income that could then feed back into its own activities and projects. Lastly, the group suggested establishing a victim trust fund through local fundraising efforts.



08

**PARTICIPANTS IN GROUP 8 FIRST BEGAN BY IDENTIFYING SGBV VICTIM-SURVIVORS' NEEDS. THEY ARGUED THAT VICTIMS NEED JUSTICE, AND RESPONSIBILITY TAKEN BY THE ACCUSED AND PERPETRATORS.**



↑ Khmers villagers in the Public Gallery during the Closing Statements in Case 002/02.

They need reparations that are fully implemented, and they want to see the integration of Khmer Rouge history into the public school curriculum. Victims need legal, mental and counseling support, along with a safe space or shelter for meeting and gathering. Multimedia educational materials were also mentioned as a need, along with the need to inform the public about the ECCC and its winding down, in a timely manner.

While the participants acknowledged that there is some education currently about Khmer Rouge history, and it is being integrated into the school curriculum, there was a greater need to focus on SGBV during the Khmer Rouge. There was not much room for survivors of such crimes to reveal their stories, and only some survivors appeared before the court. The group considered a broader group of victims beyond the small numbers that appeared before the

Court, and acknowledged that certain victims who testified were limited to some geographical areas. Therefore having a space for victims to reveal their stories was important. Victim's children and grandchildren also needed the opportunity to gain life skills or conflict resolution skills.

In developing ideas and initiatives to address needs, the group came up with the following suggestions. First, to integrate Khmer Rouge history into the public school curriculum and integrate survivors' stories, while ensuring the do-no-harm principle is maintained throughout and also making sure to adopt a child-friendly approach. The group also suggested the need for a public acknowledgement of the harm suffered and 'confessions' by the direct perpetrators. This would allow for reconciliation, but a space was needed for this, such as a space for a truth-seeking and

telling mechanism to enable conversations and apologies from individual perpetrators. Another initiative identified was to provide legal and mental counseling services and support, and to conduct further research efforts on the impact of forced marriage and SGBV on both men and women, to identify and address their specific needs.

Further initiatives suggested were providing access to health care for women who suffered SGBV and physical harm from forced marriages, and conducting intergenerational dialogue (with a focus on a general level, on the inclusion of minorities, and subject-specific dialogue such as focusing on SGBV, or on forced marriages for instance), and ensuring this be recorded through other means and included in exhibition spaces. Doing so would help develop a habit of dialogue as a means to bridge gaps between people and to export these skills to other types of dialogues. This systematization of dialogue would ensure sustainability.

As a set of guidelines, the group agreed that initiatives and programs should not only focus on the survivors themselves but on the younger generations also affected by the Khmer Rouge even today. For sustainability, a focus of the residual mechanism should be on ensuring that these skills are embedded in communities (for instance, this should be the focus of initiatives linked to intergenerational dialogue and history collection). Programs should ensure skill-building within them and actions to enable them to sustain themselves. Partnership between the government and the NGOs was also necessary to ensure sustainability of the programs, although sole responsibility should not be given to the government to implement projects, as this should be done in partnership with other collaborators. Before developing any

program, there is a need to first survey and identify the existing government aid programs and how to link survivor-related initiatives to those to ensure sustainability. Survivor associations should engage in all of the above activities. On a general note, participants mentioned that there could be a centralized body to take on the role of coordinating and facilitating all the Khmer Rouge-related initiatives and ensuring implementation beyond the residual phase of the ECCC.

Challenges and barriers to consider included needing to further build trust in public institutions as that was lacking, and that aging survivors were less and less able to pass on their knowledge and experience.

In their final presentation, Group 8 identified three proposed programs and activities. The first program presented was on intergenerational and interpersonal dialogue at family and community levels. This program would ensure the inclusion of groups on SGBV and forced marriages. Such dialogue would also include gendered groups, including ethnic and minority-specific groups (LGBTQI). This program would build on non-violent conflict resolution skills. To initiate dialogue, the group suggested coming up with creative ways to do so through using images and photos, or using an app. Furthermore, the group suggested that explaining the ECCC's verdicts on sexual violence was a way to end impunity and that there was a need to learn to share stories in a way that would not cause harm within families and communities. Skills building was also identified as an aspect of this program, as a way to ensure sustainability. In the event there is originally limited funding, this program could first focus on Civil Parties, and then broaden the program to pass it on to a wider group.



The second program presented was that the residual mechanism should connect with the work that is already being done to support victims of SGBV in communities. For example, the Bar Association of the Kingdom of Cambodia (BAKC) has a legal aid scheme for women and children. This could be further expanded to ensure that legal aid is also channeled to victims of forced marriages who are still in forced marriages and want to divorce or are faced with domestic violence. Existing programs on providing assistance (legal, psychological, health, and economic and social) to women victims of SGBV can be expanded to see how Conflict-Related Sexual Violence can be addressed through these already existing schemes.

Thirdly, education and awareness-raising activities should be conducted among the younger generations and the general public about SGBV under the DK regime. This can be done using existing tools, methodologies and products such as mobile exhibitions, shows, films, theater productions, and all reparations projects. This should be embedded in local communities and schools to ensure continuity and sustainability. Lastly, such education and awareness-raising activities can be achieved through permanent exhibitions and ensuring memory centers and existing bodies (such as Bophana, LDC, DC-Cam, Tuol Sleng, and universities) continue to use these tools.



# SUBMISSIONS AFTER THE WORKSHOP

Participants and NGOs were given the opportunity to continue sending in submissions even after the workshop. This was especially in response to enthusiasm expressed at the workshop by some participants who wanted to continue refining submissions and ideas based on workshop discussions, for participants who wanted to submit submissions they had not shared up until that point, and also to provide another opportunity for anyone who was interested to but had not been able to provide a submission in time for the Co-Rapporteur's 2021 advisory report. It was also an opportunity for the NGOs and institutions which attended the Workshop and had been split across the eight discussion groups to then come back together and submit proposals representing the efforts and goals of their respective organizations. A further six submissions were received after the workshop, by the 15th of May, the deadline that the Workshop Secretariat had set in place.

The table below briefly summarizes the six submissions received, which are also included in full in Annex VII.

---

## ● BOPHANA CENTER

01

- To increase youth awareness of Khmer Rouge history through the use of innovative, project-based multimedia educational experiences that prompt truth-seeking and intergenerational dialogues to advance reconciliation, healing, and transitional justice, aligned with the goals of the ECCC and the MOEYS

### ● DC-CAM AND MICHAEL KARNAVAS

02

- Provision of nationwide scheme of health care and mental health care for survivors of the KR regime (Michael Karnavas, in a paper published by DC-Cam)
- Preservation of historic crime sites, as a basis for remembrance and education (DC-Cam)

---

### ● KDEI KARUNA

03

- Creating a Memory & Learning Center to provide space for learning, reflection and healing for a range of target groups such as victims and the next generation of youth, students, and teachers, organizations working on transitional justice, researchers, journalists and the general public

---

### ● TSGM

04

- Memory Trail Project for university students, visiting Tuol Sleng, Choeung Ek, ECCC/LDC and M-13
- Mapping Khmer Rouge sites in Cambodia
- National Youth program on learning about KR regime
- Support of S-21 research at TSGM
- Visitor center and offices at TSGM

---

### ● YOUTH FOR PEACE

05

- Preserving Khmer Rouge historical sites in the former Northwest Zone, through reconciliation, memorialization and education. This provides opportunities and places to reconnect with the past, share experiences and create an open dialogue

- An increasingly sustainable vision over ten years should be envisaged and facilitated, firstly by the ECCC before transitioning to the most relevant UN Agency with a coordination mandate, once the ECCC phases out; possibly the Office of the Resident Coordinator
- A transitional funding structure including a gradual and partial budget shift to the Royal Government of Cambodia on a number of topic

---

The submissions received after the workshop generally build on ideas and discussions had during the workshop. All the submissions were received from participants who actively joined all three days of the workshop and built on several of the ideas that had been proposed during the event. This is encouraging as these submissions show the potential for great collaboration between the organizations that have suggested them. They also address several key areas that have been highlighted from the start of this process, in the Co-Rapporteurs' report, and through the course of the Workshop.

# 01

BOPHANA'S PROPOSAL FOCUSES ON INCREASING KNOWLEDGE FOR THE YOUNGER GENERATIONS IN CAMBODIA, WHO WERE BORN AFTER THE FALL OF THE KHMER ROUGE, AND HAVE VERY LIMITED KNOWLEDGE OF THE REGIME AND LACK ACCESSIBLE SOURCES AND INITIATIVES FOR LEARNING.



↑ Khmer students attending the Closing Statements in Case 002/02.

Their project objective is to increase youth awareness of Khmer Rouge history through the use of innovative, project-based multimedia educational experiences that prompt truth-seeking and intergenerational dialogues to advance reconciliation, healing and transitional justice, aligned with the goals of the ECCC and the MOEYS. Specifically, they wish to do this by creating an interactive participatory, open-source public archive within Bophana's existing Khmer Rouge history app that promotes intergenerational dialogue between youth and survivors. They also identified the need to update and upgrade this smartphone app — a reparation project recognized in Case 002/02 — to enhance user engagement. Further, Bophana identified the opportunity to train Cambodian youth in documentary filmmaking and innovative multimedia, and to provide them with an in-depth understanding of Khmer Rouge

history by engaging with and documenting the past through intergenerational conversations and community dialogues. Lastly, to maximize the use of the Khmer Rouge history app and public archive platform, they suggest running large-scale outreach, and training teachers and high school and university students via workshops and mobile education initiatives throughout Cambodia, with a particular emphasis on indigenous communities.

Bophana has identified four expected results from this proposal: firstly, that a participatory public archive platform is established on the Khmer Rouge history app; and secondly, the creation of 400 quiz questions and 150 push notifications for the app based on historical dates and sites. Short videos and a digital guidebook will provide instructions on how to use the archive, engage in intergenerational dialogue, and produce documentation

of the dialogue to upload to the archive. A third expected result is the production of 30 videos of intergenerational dialogues, research reports on six crime sites, and 15 short documentary films about Khmer Rouge history, produced by 15 student filmmakers after long-term, intensive training by Bophana and Youth for Peace. These youth films will be used as tools for community dialogue. Fourth, Bophana intends to

host workshops training 240 teachers from 120 schools in using the public archive component of the app, and for a mobile education team to conduct outreach campaigns engaging 12,000 students in using the public archive. This will allow them to receive at least 1,200 submissions of student-produced content, generated from dialogue with family and/or community members, uploaded to the public archive.



## 02

DC-CAM SUBMITTED A PROPOSAL IN THE FORM OF A PAPER WRITTEN BY MICHAEL KARNAVAS, FORMER DEFENSE COUNSEL AT THE ECCC FOR IENG SARY AND MEAS MUTH, ABOUT PROVIDING REMEDY TO VICTIMS OF KHMER ROUGE CRIMES WITH SUSTAINABLE HEALTHCARE THROUGH REPARATIONS OR TRANSITIONAL JUSTICE PRINCIPLES.



↑ DC-Cam's Youth Volunteer Corps — known as CamboCorps — in Kampot province conducting door-to-door home visits with survivors of the Khmer Rouge; Youth listening, recording and learning from survivors' stories. Photo provided by Documentation Center of Cambodia Archives.

The impact of the DK period on the Cambodian population and healthcare system continues until today. The RGC remains reliant on foreign funding for adequate health provision, and unfortunately the quality of healthcare services, especially in rural areas, remains low with significant and persistent inequities. The paper speaks to the right to an effective remedy for victims of mass atrocities through individual or collective reparations, and that internationalized criminal courts and tribunals cannot order the provision of healthcare as a reparations measure often due to the indigence of the Accused. Therefore healthcare for victims in Cambodia is more realistic as a separate transitional justice measure. For this to be sustainable, it need not be state-led but does require state assistance, and NGOs also

play a key role. Therefore it is suggested that firstly, there needs to be an assessment of needs and partnerships should be explored and formed with organizations that deliver mental health services in Cambodia (such as TPO). The paper also notes that it is important to consider how Cambodians already seek help for themselves, and in doing so incorporate traditional and spiritual ways of addressing psychological trauma, in order that services are adaptable to Cambodians' understanding of health. The proposal also asks for the establishment of Khmer Rouge-specific mental health training programs, for instance by providing free workshops and classes on basic mental health aid. These programs should also incorporate an educational component to them, to inform victims of their rights to benefits, of

the trauma faced by other victims, and value of expressing their needs to healthcare officials.

Separately, Documentation Center of Cambodia also submitted Mr. Youk Chhang's

previously written proposal to construct a Khmer Rouge memorial near the Independence Monument in Phnom Penh.





03

THE PROPOSAL SUBMITTED BY KDEI KARUNA IS FOR A MEMORY AND LEARNING CENTER FOR CIVIL SOCIETY INITIATIVES.



↑ Mr. Tim Minea, Executive Director of Kdei Karuna Organization, presents to participants on day 2 of the workshop.

The proposal submitted by Kdei Karuna is for a Memory and Learning Center for Civil Society Initiatives. Noting that the ECCC is in the process of establishing its residual functions and that the judicial processes are coming to an end, KDK identified the need for non-judicial processes for reparations to continue to exist in Cambodian civil society. Building up from the needs mentioned during the workshop, KDK identified that survivors still need to share their experiences and continue to suffer from their experiences in silence. This results in behavior that is often not understood by younger generations, and therefore there is a need to close the gap of knowledge and mutual understanding between survivors and the next generations. Youth also need to build their own capacities to start having conversations with survivors about what happened in their families and communities, and although

youth are interested in learning about the past, they are reluctant to have these conversations within their families. KDK noted that survivors expressed the need for places of remembrance within their provinces, and the desire to preserve the ECCC building as a memorial for local and international learning. Direct reparations at an individual level were also identified, through the improvement of living conditions, medical and psychosocial care. Survivors also express a need to repair the negative impact on the second and third generations, for instance by supporting good vocational education and job security. The need to focus on non-recurrence from a local perspective was also identified, to prevent history from repeating itself. Acknowledging that while many oral histories have been collected, there still remains a need to document more hidden survivor experiences, such as those

from marginalized groups and from former Khmer Rouge cadres, as well as the impacts on their children and grandchildren.

The aim for creating a Memory and Learning Center is to provide a space for learning, reflecting, and healing for several target groups, especially victims and their kin, Cambodian youth, students, teachers, organizers, researchers and journalists, and the general public. KDK has also conducted two consultation sessions on this project proposal recently, with a group of Khmer Rouge survivors and with a group of NGOs and state organizations, both of which brought positive feedback for such a center's establishment. Several organizations have formed a working group for this proposal, and the working group members are KDK, TSGM, CKGC, and YFP. GIZ-Civil Peace Service is supporting the development process for the creation of this Memory and Learning Center.

The Center could provide a space for documentation and research, such as a space to preserve the over 100 oral histories that KDK has collected through their intergener-

ational projects, making them accessible to the public, students and researchers. KDK further suggests that such a center can support others in the methodology and practice of oral history using different tools and practices, including art-based ones, and methods that were used in Cambodia. The Center will also be a space for exhibition and learning, and a space for KDK's mobile exhibitions and exhibiting resources by organizations that no longer exist. Lastly, the space will be used for dialogue and reflection through conducting further intergenerational dialogue work, and KDK envisions a Memory and Learning Center that provides a basis for dialogue process facilitation across the country. Groups from all over Cambodia could visit the Center and engage in dialogue activities guided by trained facilitators. The Memory and Learning Center could also provide a meeting space for community-based dialogue facilitators.

They identified a project timeline of up to two years, an outreach program for three years, and an estimated budget of 1.5 million USD over the three years.



04

TSGM PROVIDED FIVE SUBMISSIONS IN MAY FOLLOWING THE VICTIMS WORKSHOP. WE BRIEFLY DESCRIBE ALL FIVE PROPOSALS.



↑ More than 300 people from the former Khmer Rouge stronghold of Pailin visited Toul Sleng Genocide Museum and the ECCC on 16 Nov 2010.

The first proposal is titled “Mapping Khmer Rouge Sites in Cambodia.” In the mid-1990s, Yale University and later DC-Cam did a long-term mapping project to document information on Khmer Rouge prisons, mass graves, and memorial sites. This database has not been updated since 2005. A few former prison sites or sites related to the Khmer Rouge are known and taken care of by some NGOs such as DC-Cam (Anlong Veng) and YFP (Kraing Ta Chan). The MCFA has decided to create a section within the Tuol Sleng Genocide Museum, to take care of issues related to Khmer Rouge historical sites nationwide. The best known site is the former M-13 prison at Amleang in Kampong Speu province. The government has acknowledged the national importance of these sites, by approving the serial site application of the former M-13 (under TSGM), Tuol Sleng Genocide Museum,

and Choeung Ek Genocidal Center to be registered together as a UNESCO World Heritage site. However, there has been no recent attempt to register other former Khmer Rouge related sites. Many of them are in decay and will soon not be recognizable anymore. The prior approach to map the crime and killing sites needs to be extended. To foster the understanding about the Khmer Rouge period, other sites like dams, communal eating areas, airports, and “fabrication sites” need to be included for example. The most important Khmer Rouge related sites need to be registered and protected as sites of national heritage. Therefore the proposed project will work with local communities in the surroundings of relevant sites, teachers and students near these sites, and interested NGOs to take part in the mapping and research work. TSGM has also identified other relevant part-

ners such as the MCFA, the UNESCO National Committee, and other NGOs working in this field, especially KDK and YFP. This project's timeline is an estimated six months for the preparation phase, and another three years for the mapping phase, with an estimated budget of \$150,000 USD over three years. The long-term goal is to not only to enrich knowledge about the Khmer Rouge period and to support local knowledge about this time, but to also create a national register of Khmer Rouge related sites and support for their preservation.

The second proposal is entitled the Memory Trail Project, in order to participate in the preservation of historical sites left over from the Khmer Rouge regime. TSGM has organized a workshop under the theme "Memory Trail" in order to inspire the younger generation to learn about the value of preserving detention facilities that reflect the brutality of the Khmer Rouge regime. This project is part of encouraging the participation of people in local communities to take part in historical preservation. The site of a former prison or killing field recognizes the importance of conservation and turns it into a monument for the education of students in their local community. This project's purpose is to educate young people about what happened during the DK era, and to encourage young people to understand the importance of studying this history and participate in such learning and understanding. This proposal will target 15 university students from the faculties of history, Khmer literature, and archaeology as the organizers of the workshop, and the target groups will be high school students. Key partners that have already been identified are the ECCC and the LDC, CKGC, and diverse schools and universities. The aim is that the Memory Trail will be held during the school vacation period

and will consist of a two-day workshop covering the history of the Khmer Rouge and of S-21, and a two-day study tour visiting TSGM, the killing fields at Choeung Ek, the ECCC and LDC, and M-13. The goal is to conduct three workshops each year, over a three-year period. The estimated budget is \$150,000 USD over three years.

The third proposal is titled "Support of S-21 related research at Tuol Sleng Genocide Museum." The ECCC has added substantial additional knowledge about S-21 through Cases 001 and 002. This knowledge is not yet fully accessible to the team at TSGM. Although the Museum's archives have been digitized and made available by a UNESCO-KOICA funded project from 2018 to 2020, and now the archives are accessible online for the TSGM team to use internally as well, the total number of documents that S-21 Security Center produced is unknown. Therefore, it is unknown how high the percentage of missing documents is. The thousands of prisoner photos from S-21 at TSGM have not yet been cross-checked with the biographies. Until today, TSGM is not able to tell relatives searching for a family member if a photo exists. Neither the ECCC nor TSGM could organize a research project yet about the missing S-21 documents. This is overdue, as witnesses are getting older or are not alive anymore. To offer more access to the documents, a process of redaction would also be necessary. The team at TSGM lacks professional knowledge on how to analyze the photographs or how to investigate further. Therefore this project seeks to collaborate with various national and international researchers, and would operate under the Ministry of Culture and Fine Arts. It is estimated that to achieve all the project goals, several teams of two to four people would be needed over three years. This project would therefore

contribute significant additional knowledge and allow for the Museum's collections to be better shared with relatives of S-21 victims. This additional knowledge and the long-term preservation of the archives is of national and international interest.

The fourth proposal is for the establishment of a visitor center and offices outside the grounds of the TSGM. The museum is lacking an appropriate welcome center for national and international visitors (before the pandemic, this was around 500,000 visitors per year). A welcome center outside the current TSGM compound would offer the chance to inform visitors about the larger size of the former S-21 prison, to prepare them for their visit, and to offer adequate visitor facilities including a proper bookshop with relevant literature. On upper floors, the building could host offices for staff, and a conservation laboratory, to reduce the use of the former prison rooms for museum needs. The management and the staff of TSGM have worked inside the former prison rooms since the Museum opened in 1979. This is not only distressing for the staff, but every use of the rooms for current offices risks destroying historical traces and influences the ability of visitors to imagine how the site looked during the prison's time. In order to operationalize this proposal, TSGM proposes working with UNESCO, as TSGM is currently applying to be nominated as a world heritage site. This project also estimates an approximate timeline of three years and would require working together with neighbors around TSGM in the search for land, building construction, and including the neighborhood in decision-making. The estimated budget for this project depends on the price of land and the size and equipment needed for the eventual construction, but is estimated at 3 to 6 million USD.

The fifth proposal by TSGM is titled "National Youth Program on Learning about the Khmer Rouge." Given Cambodia's young population, many people no longer have a survivor in their family alive to talk to about the past. Even in cases that do, not all survivors are willing to talk about what happened under DK. Education about Khmer Rouge history is limited to a few hours in the school curricula. The MOEYS is currently revising the history textbooks with the aim to add more information about the Khmer Rouge period, but this is a long-term project. Therefore, many youth do not receive adequate information about the Khmer Rouge period, including knowledge about S-21 and the entire prison system, or about the juridical process at the ECCC. In cases where the teachers do engage and want to teach students as best as possible, they lack the means of transport or budget to arrange travels to Phnom Penh in order to visit TSGM, CKGC, and the ECCC (or later, the LDC or any Khmer Rouge learning center in the capital or in the region). The visits need to be well-prepared and organized in a sensitive manner, and not to have too short a time at the sites that could lead to missing out on reflection and learning. The visits have to be accompanied by experienced staff from the memory institutions. Therefore, this proposal suggests working with history teachers and youth from all provinces in Cambodia, and collaborating with CKGC, the ECCC, and the LDC, and other NGOs working in this field such as KDK and YFP. Key program activities and stages include developing and planning the budget, an application system within the MOEYS, developing a concept of the visits at the memorial sites, informing schools nationwide about the possibility to apply, and accompanying the visits during a pilot phase of three years. After two

years, a solution should be envisaged that the own. An approximate budget is estimated at  
MOEYS would carry out the program on their \$50,000 USD per year.



05

**THE PROPOSAL SUBMITTED BY YFP FOCUSES ON PRESERVING FORMER KHMER ROUGE SITES IN THE FORMER NORTHWEST ZONE, AND PROVIDING SPACES FOR RECONCILIATION, MEMORIALIZATION AND EDUCATION.**



↑ Youth Camping at Samrong Knong Community Peace Learning Center on Learning about the History, Learning on Peace at Battambang province in 2014. Photo provided by Youth For Peace.

They identified that there is minimal physical evidence remaining at the vast majority of Khmer Rouge crime sites, including former prisons, forced labor camps, and mass graves. Of the few memorials that were erected in the past, many have not been integrated into local communities' practices of remembrance and have fallen into decay. Most former Khmer Rouge sites of mass atrocities go largely unmarked and are only identifiable by local survivors and residents. For visitors who pass by the sites, and more importantly members of the younger generation born after the atrocities of the Khmer Rouge, these sites of past violence remain invisible and their potential to be memorialized unused.

YFP cites researcher and MOEYS secretary of state, Dy Khamboly, who wrote in 2007 that nationwide in Cambodia, there are around 388 mass killing sites with 19,744 mass killing graves,

and 196 former prison sites. Some of the sites have seen memorials built to commemorate the deaths and the suffering. There were 81 stupas erected after the collapse of the Khmer Rouge regime. However, there are still many problems regarding those memorials. The conditions of the skeletons and bones are not maintained well, and some others are exposed to sun and rain and are gradually dissolving. YFP also identified that the history of local memorials and mass killing sites has not been recorded, documented, or compiled, so they will be lost soon. Even those living around these mass killing sites often are not aware of them, and the stories of survivors and heroes are not documented well enough to allow for a healing process and an understanding of the past.

YFP has identified that there is a lack of opportunities and places to reconnect with

the past, mourn, and share experiences. They recognize a need to have open dialogue and to engage youths to be “agents” of peaceful social change. The project’s overall goal therefore is to promote social reconciliation and conflict transformation through dealing with the past, to ensure the non-recurrence of mass crimes and human rights violations in present-day Cambodian society. It is designed in a participatory way to open spaces for the younger and older generations to enter a dialogue about the violent past and work towards preserving Khmer Rouge history sites and establishing community memorialization and remembrance through capacity building, documentation, and community consultation, art, and exhibitions.

YFP has identified target locations in the former Northwest zone, including in Pursat, Battambang, and Banteay Meanchey provinces, and YFP estimates this project will benefit 600 direct beneficiaries (comprising youth, monks, Civil Parties and victim survivors, and community memorial committee members) and 1,000 indirect beneficiaries (communities at large, including local authorities, teachers) over a period of three years.

YFP has also already planned to cooperate on this project with TSGM, which has also agreed to work on preserving such historical sites and promoting genocide history

education. The stages of the project involve conducting research and documentation to update information on historical sites, training students to conduct field research to interview victim-survivors, witnesses, and community members, and the development and nationwide consultation on a “memory book” on Khmer Rouge historical sites. Furthermore, YFP and TSGM will conduct national and provincial-level consultations with the Ministry of Culture and Fine Arts on how to preserve these historical sites. The proposal also suggests the construction of five memorials and the creation of a permanent display of exhibition materials at the sites to provide a space for learning and understanding. These sites will be accompanied by public opening ceremonies. Lastly, public education programs will complement this project, focusing on history and reconciliation workshops, intergenerational dialogues, trips to local sites of memory, testimonial therapy and truth-telling ceremonies, capacity-building of memory committees and youth groups, upgrading of local learning centers, a mobile exhibition on the history of crime sites, and visits by high school students and survivors to these historical sites.

The proposed timeline is for three years from 2023 to 2025, and has an estimated budget of \$450,000 USD for the three-year period.





06

YRDP SUBMITTED A PROPOSAL FOCUSED ON SUSTAINABILITY DURING AND BEYOND THE ECCC'S THREE-YEAR RESIDUAL MANDATE.



↑ ECCC Public Affairs Section visited Samaki High School and informed 6,000 students about the ongoing Khmer Rouge trials.

They suggested that in order to create valuable outcomes for civil society, an increasingly sustainable vision over ten years should be envisaged and facilitated, firstly by the ECCC, before transitioning to the most relevant UN agency with a coordination mandate once the ECCC phases out. This could possibly be through the UN Office of the Resident Coordinator. They believe that the ECCC Victims Workshop should be seen as a stepping stone toward the creation and implementation of a long-term action plan and work plan on the legacy of the ECCC and continuing transitional justice, placed under the leadership of the government. This process should be supported by the UN and steered by a committee, including relevant ministries, civil society, the UN, and other key stakeholders. YRDP also suggested discussing a transitional funding structure including a gradual and partial budget shift to the RGC on a number of topics.

YRDP proposes creating coordination mechanisms, in the form of thematic-based technical working groups (TWGs), to foster dialogue between stakeholders and facilitate initiatives that meet the needs of various groups among the population (for example youth, Civil Parties, survivors, and ethnic minorities). To keep key concerns at the top of the political agenda and create tangible gains, the TWGs, in the form of UN-led multi-stakeholder platforms, should convene government representatives, civil society organizations, the diplomatic community and international organizations. To operationalize this, the TWGs need to be mandated to develop thematic-based action plans and cost work plans.

As a final note on this section, it is clear that the submissions provided after the workshop present many opportunities for collaboration, and most of the proposals have already

identified partner organizations for collaboration, built up from conversations had before, during, and after the workshop. In particular, several of the proposals speak to similar topics of preserving local sites as places of remembrance and learning, and incorporating inter-

generational dialogue with younger generations within these sites. Most proposals also speak to the need to engage with the government in collaboration on these projects, with the view toward longer-term sustainability and ownership in Cambodia.



# BEYOND THE WORKSHOP: CONTINUED CONSULTATIONS AFTER THE EVENT

In the weeks following the May 2022 Workshop, Coordinator Daniel Mattes also engaged with many others who were unable to physically attend the Workshop. This effort was undertaken beyond the scope of the Workshop, in order to ensure that the consultations surrounding this event would be as comprehensive and wide-ranging as possible in the limited time and capacity available. The Coordinator sought to share news of the Workshop with those interested, including (1) additional Civil Parties beyond the 15 who participated in the event; (2) international observers, a few of whom were able to watch the workshop proceedings remotely via the online KUDO platform discussed above; and, (3) the often overlooked Cambodian diaspora community overseas which was not originally incorporated in the event's design, in an oversight which the Coordinator acknowledges.

## ADDITIONAL CIVIL PARTIES JOINING THE 13 MAY 2022 VSS-CPLCL FORUM 01

---

Since 2009, the VSS and the CPLCLs have conducted regular outreach activities, to disseminate information about the ECCC and its ongoing trials, and to connect Civil Parties to each other and the Court. The VSS has conducted dozens of regional forums for Civil Parties, together with the CPLCLs or their representatives and the other Civil Party lawyers, across the country. After a two-year delay and hiatus due to the Covid-19 pandemic, the VSS and CPLCLs have planned to hold four Civil Party fora in 2022. These fora are financially supported by the GIZ Civil Peace Service. The first forum since 2019 was held in Phnom Penh on 13 May 2022, one week after the Victims Workshop. Normally, past fora have welcomed

hundreds of Civil Parties, however, due to continued concerns over the risk of spread of Covid-19, the VSS invited approximately 60 Civil Parties from across the country to Phnom Penh for this one-day event. Only three of the Civil Parties at this forum had also joined the Workshop one week earlier; the rest were new attendees. This event provided an opportune moment not only to share an update on the discussions which took place at the workshop one week earlier, but also to engage with a wider pool of Civil Parties to hear comments and ideas from them regarding the ECCC residual mandate as well.

The morning session of the VSS-CPLCL Forum provided a long-awaited opportunity for CPLCLs Pich Ang and Megan Hirst to speak directly to the attending Civil Parties, first with a briefing on Case 002/02, explaining that the final judgment in that case is expected by the end of 2022. The CPLCLs also discussed the victims' rights to privacy, raising the issue of reclassification of the documents within the ECCC case files before they are made fully public at the conclusion of the judicial proceedings. This matter was also discussed above in the section on pre-workshop consultations above, in II. Event Coordinator's Consultations before the Workshop. Following the lunch break, VSS Chief Hang Vannak invited Coordinator Daniel Mattes to provide an update to the attending Civil Parties on the Workshop on Victims, and to take this opportunity to ask them to share their opinions, reactions, or questions on the residual mandate and the development of new schemes to assist and support the needs of victims. The Coordinator made clear that their ideas or submissions would be incorporated into the report herein. Civil Party Mr. CHAN Sath, who spoke extensively at the Victims Workshop,

was also in attendance at the VSS Forum and encouraged his fellow Civil Parties attending to share their ideas frankly and clearly.

Civil Parties consistently asked that support for survivors and survivor-centered initiatives do not cease with the end of judicial hearings at the ECCC. They reiterated their universal suffering and trauma from the DK regime, and they expressed their desire for non-recurrence and their hope that future generations would never again allow such atrocities to take place. One Civil Party expressed his gratitude to his lawyers and the Court for the justice he said he has received, noting he felt a greater peace of mind and reduced anger and resentment. Others observed that the process of justice was still underway and the trial proceedings were only one part of that process, but that they felt more empowered to speak up than they used to. Most were focused on the next generation, asking for their stories to be shared with young people as much as possible to reveal the truth and strengthen reconciliation.

One Civil Party bluntly asked why it has taken so long to see memorial stupas constructed across the country after years of the Civil Parties asking for them repeatedly. He noted the memorial built at TSGM, but he called for "more impressive" memorials to be built which represent the experiences of all victims, not just those at S-21, and preferably listing the names of more victims too. He was mindful of the next generations too: he stressed that any memorial space be "attractive" to young people to ensure that they "feel" the memory of past suffering.

Civil Party Chan Sath took this opportunity to call on his fellow Civil Parties to take greater individual ownership of the work of memory and reconciliation. He explained that they could

each do more individually in their own communities to develop ideas and raise money to fund their implementation, without waiting on the ECCC or others to do it for them. He noted that in the 1980s, soon after the fall of the DK regime, many local communities built stupas and memorials on a small scale, and he asked why they no longer do that today. Looking at his own community in Pursat province, he recalled the Tuol Po Chrey massacre site where former Lon Nol soldiers were killed, as addressed in Case 002/01. He suggested to build flood protections to preserve the site, and to build a community rest hall (in Khmer, “sala samnak”) as a sign of its significance. He stressed that the hall does not need to be explicitly marked as a memorial, suggesting that simply creating a space for the community today on this former site of atrocity would benefit reconciliation. He explained: “Go look at your own community...If you want a legacy, it has to come from you. That will also help with your own relief and personal process too.”

After the wider discussion between the Coordinator and the Civil Parties attending, the approximately 60 Civil Parties split off into four groups led by four Civil Party lawyers: Hong Kimsuon, Ty Srinna, Ven Pov, and Nuon Socheata. These lawyers then submitted each group’s suggestions for the residual phase to the Secretariat through the VSS. These four

groups’ submissions are summarized here, and they are included in full within Annex VII. Each group broke down their submissions into four thematic areas: remembrance, rehabilitation, education, and documentation.

On remembrance, the groups requested the construction of nationwide memorials and stupas for the victims who lost their lives during the Khmer Rouge regime. One group asked for at least one memorial to be built in each province of the country, with names engraved and with photos of victims as possible, while another group asked for at least one stupa in every commune or province. The latter group also suggested support for religious ceremonies to be held at these stupas in tandem with their construction. Another group requesting stupas in each province specified that they should be uniformly built at dimensions of 10 by 10 meters. One group mentioned that the stupas should be constructed within the names of the victims, specifically noting that names of Khmer, Vietnamese, and Cham victims should all be included. All four groups also asked that 20 May be made or “re-endorsed” as a national holiday for celebrating nationwide ceremonies at these sites for the memory of victims.<sup>46</sup> All the groups specifically asked for the ECCC Administration and the RGC to collaborate in constructing that network of memorials or stupas during the residual period.

---

<sup>46</sup> The 20th of May has been unofficially marked as a “Day of Anger” and as a “Day of Remembrance” since the 1980s and has seen annual ceremonies that normally convene at memorial sites of forced labor, killing and torture (see Rachel Hughes, *Remembering May 20 Day of Anger* (2000), *Searching for the Truth*, 12). The ECCC Trial Chamber recognized the “Day of Remembrance” as a reparation, as Civil Parties in Case 002/01 requested. For that decision, see Trial Chamber, Case 002/01 Judgement (7 August 2014), E313, p. 604. accessible at: <[https://www.eccc.gov.kh/sites/default/files/documents/courtdoc/2014-08-07%2017%3A04/E313\\_Trial%20Chamber%20Judgement%20Case%20002\\_01\\_ENG.pdf](https://www.eccc.gov.kh/sites/default/files/documents/courtdoc/2014-08-07%2017%3A04/E313_Trial%20Chamber%20Judgement%20Case%20002_01_ENG.pdf)>.

This reparation was implemented by the RGC over three years later, when the Prime Minister signed a sub-decree on 14 February 2018 declaring the National Day of Remembrance on May 20 (see Royal Government of Cambodia, Sub-Decree No. 19 OrNkr.BK dated 14 February 2018 on National Day of Remembrance). However, after just two years of officially marking the public holiday, in 2018 and 2019, this public holiday was cut in a general downsizing of annual public holidays from 28 per year to 22 (see Royal Government of Cambodia, Sub-Decree No. 112 ANK.BK dated 2 August 2019 on the Calendar of Paid Public Holiday Calendar for Employees and Workers in 2020).

One group also asked for a “joint meeting program” to take place each year at TSGM on 20 May, with the participation of Civil Parties, their representatives, the government, and NGOs. It was also requested that crime sites nationwide should be maintained and preserved so that the victims of the regime could learn the locations where their relatives were killed and go to mark ceremonies at those sites. Specific mention was made to massacre sites at Bropei Phnom and at Me Sang district hall in Prey Veng province. Another group also asked for large gatherings three times per year in tourist areas in Battambang or Siem Reap, although it was unclear whether this would be for a memorial ceremony or an organized activity or outing for elderly victim-survivors. One group also asked for the establishment of a victims’ network of all Civil Parties to receive regular communications from the ECCC, and another group requested that the ECCC organize more gatherings at the Court before it closes in the next three years in order to share more information about the Tribunal.

On rehabilitation, all four of the groups requested the provision of “equity cards” (or “PoorID” cards) to enable Civil Parties and all elderly survivors to access medical and mental health care free of charge. They suggested that the RGC begin implementing such a program during the three years of residual functions. The groups also cited TPO, asking for that NGO to continue helping to treat the trauma of victim-survivors of the DK regime, with the support of the government. One group asked for the creation of entertainment programs which would invite Civil Parties to join meetings and allow them to alleviate their grief and reconcile their feelings. One group specifically asked for the RGC to provide access to justice to Civil Parties to help them with legal aid and build

respect for the rule of law. Two groups asked the ECCC Administration to issue a certificate of encouragement or appreciation to every Civil Party. This suggestion was similar to one group’s request for a joint ceremony to be held in celebration of all Civil Parties and survivors at the close of the judicial proceedings.

On education, all the groups asked that Khmer Rouge history be incorporated into state school curricula for students to learn, and they specifically asked that the stories of survival and of Civil Parties be included in the curricula too. It was clear that they expected the ECCC and the Government to take up this role. One group specifically requested that Buddhist monks and other religious leaders receive historical training on past atrocities in order to use their platforms to disseminate that information to the public. The same group also called for the ECCC to upload photographs and video clips related to the DK regime to platforms like TikTok and YouTube, to share information targeted at younger generations. Another group specifically requested that the “Courageous Turtle” reparations project recognized in Case 002/02 be implemented again in another edition.

On the final matter of documentation, the groups asked for the ECCC and government to publish and disseminate a variety of materials, both for their own recollection of their testimonies and the trials and for future generations. They specifically suggested documents related to victims and Civil Parties’ testimonies, as well as detailed stories of security centers. They asked that these various materials be preserved for the long-term and distributed to libraries, universities, secondary schools, and private schools. One group specifically mentioned the need to upload all documents onto a digital system or the Internet. One group

asked for the publication of a book collecting the painful experiences of victims and Civil Parties under the DK regime, and also for the broadcast of victim testimonies from the trial proceedings on state and private television channels. One group also asked for the ECCC to provide

them with a copy of the judgment, and another group asked that a set of their original complaints and Civil Party documents be shared with them.

The table below summarizes the VSS Forum's submissions by thematic area.

---

## ● REMEMBRANCE

# 01

- Construction of nationwide memorials and stupas
- Support for religious ceremonies at these sites
- Maintenance, preservation of crime sites nationwide
- Re-endorsement of 20 May as a public holiday for remembrance of all Khmer Rouge victims
- Establishment of victims' network for regular communications and gatherings run by the ECCC

---

## ● REHABILITATION

# 02

- Provision of "equity cards" to enable medical and mental health care access free of charge
- Provide official certificates to every Civil Party
- Access to justice and legal aid for Civil Parties
- Attention to trauma and healing

---

## ● EDUCATION

# 03

- Incorporate KR history into all state school curricula, and provide special attention to stories of survival and CPs
- Undertake a new edition of the "Courageous Turtle" reparation program
- Create social media resources to target younger generations with historical info

- Publish and disseminate materials, for CPs to review their own testimonies and for future generations
- Provide all Civil Parties with copy of the judgment and also their original complaints and forms
- Make these documents available to schools, libraries
- Upload and maintain access to documents online

---

**OVERSEAS ADVOCATES AND RESEARCHERS**

As mentioned above in II. Agenda and Participants, 86 external guests cumulatively attended the workshop via the online KUDO platform. This included at least 25 guests joining from outside Cambodia. However, due to time differences, many were unable to join all the sessions and others were unable to join any sessions at all. A sizable number of the submissions made in response to the Co-Rapporteurs' October 2021 call came from overseas researchers and advocates. Many of these individuals and others have long been involved in transitional justice work in Cambodia, in some cases well before the ECCC was established. It was important therefore to take this opportunity to hear their thoughts and allow them the chance to discuss some of the same questions raised

at the May 2022 workshop. Ultimately, an overseas focus group was organized via Zoom on 18 May 2022.<sup>47</sup> This provided adequate time for a very brief assessment and summary of the workshop to be shared with the overseas focus group participants, to allow them to respond to any particular points raised or align themselves with the submissions and discussions covered in the Workshop's smaller working groups. A total of 12 individuals based in North America and Europe joined the discussion.

The participants then sent a formal submission as a group, and participants Laura McGrew and Mychelle Balthazard each made additional submissions as individuals. Leakhena Nou, who also joined the group discussion, made a separate submission, which is discussed below in

---

<sup>47</sup> We would like to thank Laura McGrew, a longtime researcher and expert on transitional justice in Cambodia, for her incredible support and facilitation in organizing this online group discussion for overseas participants. Her dedication ensured that the Secretariat heard perspectives from overseas participants to supplement what we discussed at the Workshop, and she also impressively brought together a diverse network of important stakeholders and experts, including key diaspora voices, to make

the most of this opportunity to share their inputs and suggestions for the ECCC as it enters its residual phase. She also centered and uplifted the voices of Civil Parties and other victim-survivors she met during her field work in rural Northwestern Cambodia on a recent visit. We would also like to thank the rest of the overseas focus group participants for their active participation in this process and for taking that time to meet and share their views.



the subsequent section on diaspora voices, on behalf of her organization, the Applied Social Research Institute of Cambodia (ASRIC). All of these submissions are also included in full in Annex VII.

The overseas focus group appears to have held a wide-ranging discussion which resulted in a detailed submission of eight “cross-cutting” recommendations. Their submission emphasizes the need for funding for Civil Parties and victim-survivor projects and services to be prioritized and for their input to be valued. As an example, the overseas focus group notes that Civil Parties have repeatedly asked for stupas to be built, to no avail, just as we heard at the Workshop and in the VSS-CPLCL Forum thereafter. To ensure projects meet the Civil Parties’ priorities, the focus group recommends the creation of “a carefully and transparently selected” Advisory Board to assist in the selection of programs for the residual phase. The group also emphasizes the need to link health care with mental health care, and consider ways to develop Cambodian systems to treat trauma which continues until this day among survivors in both Cambodia and overseas. As will be discussed in the next section, they also recommend that diaspora Civil Parties and victim-survivors be included in such consultations, planning, and project implementation.

The focus group raises the need to resolve survivors’ sense of isolation as a necessary step in the process of healing and reconciliation. They suggest a potential program to offer free genetic testing to help separated family members find one another, and they offer their support for the GIZ-CPS submission (to the Co-Rapporteurs) for the establishment of a “list of the missing”. The group emphasizes

the need to pay attention to the needs and desires of survivors of SGBV and to broaden the accounts gathered and open the door to future conversations beyond the ECCC’s findings on the matter. The group also calls attention to the need to promote reconciliation with communities of former Khmer Rouge, such as Pailin and Anlong Veng, to break the social stigma for past perpetrators and their next of kin, and engage in those communities in the longer term. The group recommends the involvement of all generations, from youth to the elderly, in this process.

This leads to the submission’s extensive discussion on the future of the ECCC archives and access to the archives, particularly for the longer term when, they explain, “The archives will be the most important legacy.” One participant suggests the National Archives of Cambodia would be a more welcoming location to ensure public access. Regardless, they again emphasize that Cambodians themselves should have ownership over the archives, particularly the Civil Parties or witnesses who are featured in the sources. They emphasize the archives need to be widely and publicly available and accessible. The group calls for the ECCC archives to be linked to all other Khmer Rouge archives, including those at other institutions in Cambodia (TSGM, DC-Cam) and abroad (Cornell, Yale Cambodia Genocide Project). The group does not reserve their concerns solely to the national side of the archives, as they also observe that the UN Office of Legal Affairs (OLA), which will be involved in decisions regarding the international side’s copy of the archives, “does not have a history of maintaining open archives.”

Finally, the group also addresses a lack of transparency or information sharing from the ECCC, and they submit that this has led Cambodians to lose trust and hope in the ECCC.

The group call for the CPLCLs to be fully funded and involved in all discussions in order to advocate for their clients, and they comment that the imminent announcement of the Case 002/02 appeal judgment later this year could present a “great opportunity” to share information with victim-survivors in Cambodia and abroad. They also note that Civil Party applicants in Cases 003 and 004 require follow-up information on the status of their applications and those cases.

In her separate submission, Laura McGrew shares that, during a recent informal research visit in Cambodia in early 2022, she found “a marked decrease in knowledge of, support for, and satisfaction with the ECCC” from her long-time informants. She observes that the ECCC has recently gone silent, with little dissemination of information or follow-up with the public or with Civil Parties in recent years. She calls for the ECCC and the RGC to publicize the final proceedings of the Tribunal and related activities as widely as possible, on TV, radio, and elsewhere. She calls for “a full-time, fully-staffed and funded, and dedicated public information unit or NGO” to be “re-established.” Further, she emphasizes the need for regular coordination between the ECCC, UNAKRT, LDC, government, donors, and NGOs.

McGrew further observes the regular requests from survivors for the provision of health care and social services, and a potential extension of the “IDPoor” card to survivors. She also notes that the submissions shared in the Co-Rapporteurs’ advisory report follow upon previous similar activities which have been accomplished, commenting, “There is no need to recreate the wheel.” She calls for the involvement of healthcare-related CSOs, including HelpAge and NGO-Forum, both of which joined the May 2022 Workshop, as well as

Cooperation Committee for Cambodia (CCC), which was invited but unable to join, and the Dhammayietra Mongkol Borei, which may be worth approaching.

She also emphasizes the need for enhanced transparency and a wider circulation of all information about the residual phase process. Noting the lack of public information and the rumors circulating about funding and plans for the residual phase, she calls for the mechanisms for determining those plans to be shared publicly. She suggests some tools for best practices on funding transitional justice programs, and she calls for an advisory committee or panel to be established to review all proposals, monitor programs, and ensure accountability. She also observes that the lack of information about access to the archives needs to be resolved, and she calls for the inclusion of NGOs, Civil Parties, and all ECCC organs to be involved in the development of access policies at the archives. She notes that there must be clear and permanent legal support for Civil Parties, including those across all trials or cases, and she comments that victims’ rights, minority rights, intergenerational inclusion, conflict sensitivity, and gender sensitivity must be incorporated into all the proposals for the residual phase.

As a final point, she notes that there has not been a widespread, broad-based survey conducted in too long. She suggests the gathering of data “to assess survivors’ views” as well as “updated studies of effects on second generations” of both victim-survivors and former Khmer Rouge. She explains that such assessments are essential to understanding the perceptions of reconciliation or justice.

In her separate submission, Mychelle Balthazard of the Harvard Humanitarian Initiative

similarly calls for an assessment of the contributions of the ECCC and relevant transitional justice projects. She proposes a qualitative and quantitative survey first focused on victims and later possibly on the general population of Cambodia. She suggests that a proper assessment would allow comparison of the findings to prior research conducted since the establishment of the ECCC, and would examine the needs of victims in the short, medium, and

long-term. The research assessment, from initial concept through to final dissemination, would take about six months. She explains that the data gathered would aid in the provision and implementation of programs which are more satisfactory to victim-survivors and would “maximize planning” of the residual phase.

The table below summarizes the three overseas submissions.

---

## ● OVERSEAS FOCUS GROUP (US & EUROPE)

01

- Funding for CP and victim/survivor projects should be prioritized, through a carefully and transparently selected Advisory Board could assist to ensure that projects are chosen based on Cambodians' concerns and interests
- Assess needs and desires of SGBV survivors
- Attention to reconciliation especially in former KR areas
- Diaspora Civil Parties (CP) and victim/survivors should be included in consultations and projects
- Link healthcare and mental health and provide more services
- Transparency and information sharing from the ECCC, including funding for Civil Party Lead Co-Lawyers

---

## ● MYCHELLE BALTHAZARD

02

- Survey/focus groups to assess ECCC's contributions, related projects on justice and reconciliation, determine victim's needs, assess effects of already implemented projects, and assess feasibility of addressing victims needs in the short, medium and long-term

- Support for existing projects as well as additional proposals. Health care and social services (including for SGBV survivors) and in particular, government provision of the “IDPoor Card” are also needs often mentioned by survivors and are mentioned in some of the proposals
- Legal support for Civil Parties, with a clear and permanent institutional structure with appropriate resourcing
- Continued monitoring of projects to protect victims’ rights
- Archives and access must be ensured and communicated
- Outreach, Networking, and Information Sharing must be a Priority. A full-time, fully-staffed and funded, and dedicated public information unit or NGO must be re-established
- Inclusion in mechanisms to ensure victims’ rights, minority rights, inclusion of both youth and elderly, conflict sensitivity, and gender sensitivity
- Updated survey on perceptions of justice, reconciliation and reparations
- Transparent, conflict-sensitive funding processes



① ECCC Public Affairs Section organized a public forum in the former Khmer Rouge stronghold of Samlot.

During the extensive planning and consultations for the May 2022 Workshop described elsewhere in this report, one significant group was largely left out: the Cambodian diaspora living overseas, most notably in the United States, France, Australia and Canada. This oversight is in fact indicative of the way that the ECCC has treated much of that population in its institutional history: as an after-thought. While there are challenges in including them in a productive and fair manner at a long distance, such efforts must be made in the future. Cambodian diaspora communities do not live in a vacuum, isolated from events or communities in Cambodia or from the activities of the ECCC and the transitional justice programs underway in Cambodian civil society. The diaspora exists primarily due to the very conflict, regime, and atrocities which necessitated the creation of the ECCC as an institution. They continue to have a great deal of connections with Cambodia, particularly through family links and also among the younger generations of overseas-born Cambodians who have settled in Cambodia and taken up leading roles in the country's commercial, social, and cultural sectors.

The failure to involve diaspora voices in the Workshop can be rectified immediately by actively involving them in all consultations and planning for the residual phase going forward. While proposed programs such as the expansion of a social security scheme like the "PoorID"

card may not apply to Cambodian victim-survivors residing overseas, those diaspora communities may play a vital role in organizing acts of remembrance, developing educational tools, and engaging in intergenerational dialogues. Diaspora survivors also suffer from immense trauma, sometimes worsened by the isolation they feel after years or decades living at great distance from the country of their birth.<sup>48</sup> They deserve freedom from this weight of the past as much as survivors living in Cambodia do. All these aims led hundreds of diaspora victim-survivors to apply to be Civil Parties in all four cases before the ECCC, but the continued failure to include them in a significant or meaningful manner risks causing greater dissatisfaction with the ECCC process. It also risks subjecting these survivors to feelings of worthlessness, isolation, and even retraumatization.

The failure to involve diaspora voices is also a missed opportunity: incorporating the diaspora could widen the networks and reach of transitional justice work emanating from the ECCC proceedings, and possibly attract greater overseas resources interested in responding to the interrelated situations and needs in Cambodian communities in Long Beach, the Paris suburbs, or Melbourne. By building and relying on such direct and natural connections with diaspora voices worldwide, the ECCC could also amplify its message — both in the findings of the judicial decisions and in the

---

<sup>48</sup> Leakhena Nou, *Beyond Silent Suffering and Trauma Half a World Away: Participation of Cambodian Diaspora Genocide Survivors in the ECCC*, *Asia Pacific World* 4(1) (Spring 2013), pp. 56-79.

imminent work of the residual phase — on an international scale. Such outreach and involvement is especially relevant to the increasingly globally-minded younger generations, which have grown up separated from their ancestral homeland, unsure about the depths of their parents' trauma, and sometimes suffering from secondary trauma in turn.

The Secretariat has been able to engage in continued dialogue with Dr. Leakhena Nou, professor at California State University Long Beach (CSULB) and founder of ASRIC, who has provided extensive comments related to the residual phase and has also submitted a project proposal on an international program,

included in full in Annex VII. The Secretariat has also received an additional submission from Dr. Samphoas Huy, who is currently based in France after many years at Rutgers University in the United States and before that within the VSS at the ECCC and at DC-Cam.

In the Coordinator's engagement with Leakhena Nou and Sansitny Ruth, her representative based in Cambodia, it was necessary first to understand the role which the diaspora has already played in the ECCC proceedings. This is well summarized with data in the submission of the overseas focus group discussed above, which was also joined by Leakhena Nou:

---

**Although Cambodians overseas are limited in comparison to those in Cambodia there are still significant numbers, estimated to be 339,000 in the US as of 2019,<sup>49</sup> 500,000 in France, and 66,000 in Australia. While only 3.3% of [Civil Party] and Complainant applications came from outside of Cambodia, in Case 002, the Applied Social Research Institute of Cambodia (ASRIC) assisted Cambodians in the US to submit Victim Information Forms (VIF), and 170 of those were accepted, 41 [Civil Party] applications and 129 Complainant applications (four additional [Civil Parties] joined ASRIC when their legal counsel could no longer represent them). The Center for Justice & Accountability initially took on as clients 41 [Civil Parties] that had been recruited by ASRIC through a community participatory process, and now represents a total of 105 Cambodian-American [Civil Party] clients across Cases 002/1, 002/2, 003, 004 and 004/2.**

---

In repeated consultations since the May 2022 Workshop, Leakhena Nou repeatedly emphasized the unique role of ASRIC in the history of the ECCC process, noting that the

174 victim information forms collected in Case 002 under ASRIC's Cambodian Diaspora Victims Participation Project represented the largest collection of testimonials from any country

outside of Cambodia. She further noted that all 174 forms were accepted as Civil Parties or complainants, or “an unprecedented 100% success rate.” However, she explained, survivors have not received what they asked for in those early victim information forms, and many survivors have since passed on. She explained that she and the victim-survivors who participated in the ECCC process have “no more trust,” and that the Tribunal process often now triggers anger and disappointment. She summarized: “The Court doesn’t exist anymore for many of the survivors.” She explained that there has been no effective outreach from the very beginning, and she called for a detailed needs assessment and greater youth involvement, and for the spreading of responsibility and ownership in this process of justice, so it is determined by more than just a few individuals. In calling for greater consultation with victim-survivors from the diaspora, she mentioned a few specific programs for reparations and reconciliation raised by such victim-survivors:

- Drawing upon the arts, film, dance, and music as a form of therapy to sketch out what life was like before the Khmer Rouge;
- Greater involvement in universities and academia, and more attention to youth;
- Particular attention to the descendants of perpetrators, citing research she did engaging with the surviving son of Kaing Guek Eav, alias Duch, who suffers from the

stigma and secondary trauma of his associations with his convicted father;<sup>50</sup>

- Regular consultations with survivors in comfortable spaces, typically religious centers such as wats or mosques; and,
- Holistic approach to both physical and mental health that avoids stigmatization.

Much of these suggestions in our consultations are thematically incorporated into ASRIC’s comprehensive and detailed project proposal in their submission included in Annex VII. ASRIC calls for the creation of a multi-faceted program which they call the “Kambuja Evolution Project” (KEP). It includes a transnational academic program on Khmer cultural studies which draws upon the networks and resources of academic institutions in the United States (such as CSULB) and Cambodian-American academics in an effort to engage younger generations of Cambodians growing up in Cambodia and overseas in an exploration of their own cultural identity and history. In developing this intercultural and international program, ASRIC ties the lack of awareness of Cambodian culture or a positive sense of identity to a lack of individual self-awareness and pervasive sentiment of helplessness among younger Cambodians. Sansitny Ruth, a Cambodian-Canadian who represents ASRIC in Phnom Penh, drew on

---

<sup>49</sup> Pew Research Center. (2019) Cambodians in the U.S. Fact Sheet. April 29, 2021. This number of 339,000 may be in accurate as many Cambodians are distrustful of the government and may have not participated in the census. Available at: <https://www.pewresearch.org/social-trends/fact-sheet/asian-americans-cambodians-in-the-u-s/>

<sup>50</sup> Leakhena Nou, Living in His Father’s Shadow: Exploring Healing Justice and Reconciliation in Cambodia with Duch’s Son, *Asian Journal of Social Science* 41(1) (January 2013), pp. 56-79.



① ECCC Public Affairs Section organized a forum with 400 Buddhist Monks at Preah Sihanouk Raja Buddhist University.

his own personal experience in explaining the need for this kind of program. He felt the effects of Cambodia’s past atrocities in certain inexplicable ways from a young age: a feeling of sadness or an invisible weight upon entering a diaspora home; a sense of perpetual foreignness; a lack of mentors or examples of success among the Cambodian community growing up; and, the constant feeling like something was missing that could aid in the healing process. ASRIC has therefore proposed a needs assessment and the development of a curriculum and educational resources which use culture to heal, which build and thrive on the transnational relationships of the diaspora, and which deal with the intergenerational trauma of the Khmer Rouge. The KEP proposal also aims to support greater access to health care and mental health

care for intervention and prevention. They also plan to build a web platform that is accessible to and targeted especially toward younger generations of Cambodians worldwide, featuring artistic contributions as well as professional and technical learning tools. Their submission includes a variety of possible institutional and academic partners, both in the United States and Cambodia, including relationships which have been established with the Royal University of Phnom Penh, among others. This project, and the comprehensive, years-long work which lies behind its proposal, exemplifies the resources and benefits which greater engagement with the diaspora could provide to the success of the ECCC’s residual phase. It would ensure that the fruits of this long process are borne across borders and across generations.



In addition to the extensive discussions held since the Workshop with ASRIC, the Coordinator also received a submission from Dr. Samphoas Huy, a Cambodian-born academic now based in France. With her previous experience working at the ECCC's VSS, her submission — which, she notes, emanates from her discussions with an informant who is a Civil Party based in France — focuses on the need to transform the VSS into an established institution which advocates for the needs of victim-survivors and the next generations for the long term. Her submission repeatedly emphasizes the need for this institutionalized form of the VSS to

remain fully independent from the government, even if she also suggests it receive support from the RGC, such as land office space, other equipment, or even some possible funding. She specifies the need for the permanent form of the VSS to work with victims' associations overseas, and also suggests that it could eventually open branch offices in Cambodian provinces. This submission relates to some of the submissions heard at the Workshop, in which Civil Parties and stakeholders called for the longer-term institutionalization of a victims' advocate.

The table below summarizes the two submissions from the diaspora.

---

## ● ASRIC

01

- Diaspora voices have been central to the ECCC, with hundreds of Civil Parties and complainants from overseas communities sharing their experiences, with 174 such victim information forms collected by ASRIC in the United States alone
- Regular consultations with survivors necessary
- Greater involvement in universities and academia and with youth focus is necessary both in Cambodia and for diasporic groups in the USA and elsewhere
- Kambuja Evolution Project (KEP), building up trans-national academic connections on Khmer cultural studies in both the USA and Cambodia, to support growth of cultural studies and development of a more positive Khmer identity, enable young Cambodians to learn from past generations and find inspiration, worth, mentorship, and facilitate culture of healing and address intergenerational trauma passed on

---

## ● DR. HUY SAMPHOAS

02

- Transform the VSS into an established, independent institution which advocates for the needs of victim-survivors and the next generations for the long term

# IV.

## OBSERVATIONS, COMMON THEMES, AND RECOMMENDATIONS

---

190	On Victimhood
193	“Do No Harm” and Avoiding the Re-Traumatization of Victims
195	Individual and Local Ownership, Integration, and Sustainability
198	Overall Themes, Principles, and Areas of Agreement
203	Strategic Planning for Victim-Centered Initiatives in the Residual Phase



In the process of the last months, the Secretariat has had the chance to engage with so many thoughtful, comprehensive stakeholders and with many survivors themselves who have continued to develop and share a variety of wide-ranging ideas and proposals. These project ideas are planned for every province of Cambodia and some have significant International connections as well. The landscape of potential programming appears to be multi-faceted and holistic, with careful attention paid intentionally to often stigmatized matters related to gender, minority status, or mental health. Following our review of the May 2022 workshop’s program and our detailed summary of the dozens of proposals which have been shared since the Co-Rapporteurs’ October 2021 call for submissions, we now turn to reviewing some of the notable themes and points of commonality which we observe. We then attempt to lay out the effort to establish a framework for the next three years of the residual phase, describing potential modalities for the ECCC to implement the projects discussed in this report thus far.

⊖ The public read the ECCC booklet while waiting to attend the pronouncement of the verdict in case 002/1 on 7 August 2014.

# ON VICTIMHOOD

As noted above, the Report of the Co-Rapporteurs envisaged a broader category of individuals who would benefit from victim-related activities than had been put forth in the Addendum. They called for proposals that, “would be meaningful and of lasting assistance for Civil Parties, victims of the Khmer Rouge regime, and the general public.”<sup>51</sup> As the ECCC enters its residual phase, it is indeed appropriate to reconsider the categories of individuals whose needs should be addressed under the rubric of “victim-related activities.” As the Report of the Co-Rapporteurs makes clear, they understood that for purposes of residual phase activities, the conceptualization of “victim” should no longer be limited to those identified as such by the judicial process of the ECCC which was described above in I. Role for Victims in the ECCC Judicial Process and Reparations Scheme. In addition to those individuals who directly suffered at the hands of the Khmer Rouge, whether as adults or children, the proposals submitted to the Co-Rapporteurs, shared and developed at the Victims Workshop, and submitted to us thereafter all make clear that the intergenerational aspects of victimhood must be fully addressed in order to achieve the goals appropriate to a residual phase of victim-related activities. These intergenerational aspects include the trauma which continues to affect Cambodian families and many individuals within that approximately 70% of the population born after the Khmer Rouge regime. This need was broadly recognized in the Workshop as of central importance and highlighted as a priority for the residual phase.

Another aspect of victimhood that repeatedly emerged from Workshop discussions, as well as from submissions, was the situation of local communities where former Khmer Rouge, victims, and perpetrators who became victims live side by side. The multiple contributions to discussions and proposals that addressed this situation made clear that in such cases the entire community is affected by the legacy of the Khmer Rouge atrocities. For this

<sup>51</sup> ECCC, Co-Rapporteurs on Victims: Call for Contribution of Ideas, p. 1.

reason, Civil Parties who described the impact on their lives of unresolved trauma and resentment called for the establishment of centers of remembrance, often to be associated with a stupa, not as “monuments” but rather as places where communities could move beyond silence and collectively come to terms with the past. The need for establishing such local sites was echoed by many of the civil society participants in the Workshop and was also put forward in proposals to the Co-Rapporteurs. From this perspective, such communities could all be considered as collective victims because whether as former perpetrator, victim, or perpetrator-victim, their lives and those of their children have been shaped by a communal destiny that is a product of the Khmer Rouge regime and the long aftermath whose effects are still felt by many millions of Cambodians today, including in the diaspora.

One may also recall here the legacy of sexual and gender-based violence, where, as indicated in Workshop discussions and the keynotes of Ms. Yim and Dato’ Alagendra, it is not only the direct victims, but also their children who will experience its effects. As the scope of Cases 001 and 002 reveal, they hardly encompass all of the suffering inflicted upon the Cambodian people in every part of the country, suffering still felt today by victims and their families. What then, as the ECCC closes its judicial operations, can be the justification for limiting the scope of “victim” to that very limited number of persons who were officially identified as complainants or Civil Parties by their involvement in those cases? As was recognized in keynote presentations, in the words of the victims who spoke at the Workshop, and of other participants, to do so while attaching the title of “victim-related activities” to the residual phase of activities would surely be to deny to so many who in substance deserve the title of victim the recognition and justice which they too deserve.

The need for such a re-conceptualization of “victim” also appears from a consideration of the goals of the ECCC as an institution and in particular of its residual phase. If reconciliation, healing, and response to the needs of those whose minds and bodies bear the scars of the Khmer Rouge is to be achieved, how can that occur unless victim-related programming embraces Cambodian society as a whole at the local, national, and transnational levels? As so many submissions and interventions in discussion underscored, it is “nationwide” programming that is required, and that concept of

“nation” must be inclusive. As also emphasized in keynote speeches, all groups must benefit from such programming and truth-seeking, reconciliation, and related activities must be “localized” if they are to be effective. These are preconditions for the “journey of healing” proposed by Ms. Yim Sotheary and the provision of resources that will help victims not to “be locked” in their victimhood as proposed by Dato’ Shyamala Alagendra.

# “DO NO HARM” AND AVOIDING THE RE- TRAUMATIZATION OF VICTIMS

As noted earlier, the Co-Rapporteurs’ recommendations included the specific endorsement of the principle that, “Any initiative has to prioritize the principle to “do no harm.” This point was made in several of the submissions to the Co-Rapporteurs and was also highlighted by keynote addresses and in the discussions and presentations of the working groups. The concern here of course arises from the fact that well-meaning interventions of individuals or organizations that lack requisite knowledge, training, and experience may engage with victims or communities in ways that result in harmful consequences, even if unintended. There is also the concern that a large institution like the ECCC may promise too much or set expectations too high when it gets more directly involved with responding to victims’ needs or requests, only to disappoint them later. This disappointment could lead to greater isolation or a sense of helplessness for the victims who hoped for more from the Court and its residual phase. A related point made in the same passage of the recommendations of the Co-Rapporteurs is to avoid re-traumatization, one of the most likely consequences of interventions by under-qualified persons with individuals or groups that have experienced trauma or any of the related psychological phenomena described by Ms. Yim Sotheary.

The Co-Rapporteurs attach to their call for the avoidance of re-traumatization the need to respect the privacy of victims or others who experience trauma. Harm may be done by violations, even if unintended, of the strict requirements of confidentiality, data privacy, and related protocols. Avoidance of these forms of harm also require adequate training, knowledge, and experience. As also pointed out by Dato’ Shyamala Alagendra, it cannot be assumed that all groups or individuals who have suffered similar



forms of violence may be treated in the same way. Her point is that practitioners must approach a situation without presuppositions that methods they have successfully employed elsewhere will necessarily produce the same consequences in a different context. As she indicated, appropriate preparation, knowledge, and assessment of each situation is required in order to “do no harm.”

These ideas also informed discussions in the Workshop and were particularly reflected in the remarks and submissions of organizations such as TPO, who have deep and broad experience working in the Cambodian context to address the psychosocial needs of witnesses, victims, Civil Parties, and communities. ASRIC also grounds its submitted proposal related to transnational ethnic and cultural studies and youth engagement in Dr. Leakhena Nou’s extensive research into stress and trauma within Cambodian and Cambodian-American populations. The issue also came up repeatedly in relation to potential innovative uses of the Court’s immense archival resources, in that the wider dissemination of and engagement with archived victim information forms may reveal information which those victims had not intended to be made public. That is why a careful review of all victim-related records is so important, and why it must be undertaken with the involvement of those victims or their successors and their lawyers.

Ms. Yim Sotheary offered examples of how harm may occur when victims of sexual violence and forced marriage are encouraged to speak of what they suffered as a path to “healing,” but the result is stigmatization. As she said, they must be afforded a “safe space to speak,” and this can only occur if the preconditions and preparations required for ensuring such safety are met by interlocutors who have the skills and experience required. However, even where there is space in which it may be safe to speak, there must be adequate protocols, training, and resources to ensure that their identities and words remain safe when carried over into written form, whether in archives, databases, research publications, or reports.

# INDIVIDUAL AND LOCAL OWNERSHIP, INTEGRATION, AND SUSTAINABILITY

As already discussed above, numerous participants have emphasized the need for bringing victim-related programs directly to local communities. Memorials or remembrance centers in Phnom Penh also have their role, and they have the potential to become national hubs for memory-related, historical work. But they are unlikely to address the needs of local communities. This need was perhaps most often expressed in the call for stupas, understood not as mere physical “monuments” but as a focal point, perhaps with an adjacent community center, where discussion, truth-seeking, and remembrance can take place among those who live together in “face to face” communities rather than in the relative urban anonymity of Phnom Penh. It must be stated clearly: every working group at the Workshop, every statement by Civil Parties and their lawyers as their representatives, and every submission from the 13 May 2022 VSS-CPLCL Forum called for the construction of stupas and memorials in localities nationwide. This near unanimity is important and should be acknowledged and deserves a response.

As also reiterated in the previous section, localization should not follow a “one-size-fits-all” model but must respond to the needs and possibilities of each context. What this necessarily requires is, as keynote speakers and many others pointed out, the involvement of the communities themselves in the design and implementation of programs, whether education, remembrance, memorialization, or reconciliation. The Workshop’s discussion group on historical sites and sites of memory, for example, called for the creation of local village or commune-level committees to work in partnership with any NGO or institution establishing a memorial at a former crime site. The group on healthcare submitted that victim-survivors should have some influence on the budget and implementation strategies

of these programs being developed on their behalf. Dr. Sperfeldt emphasized in his keynote that survivors and Civil Parties must be engaged as stakeholders and partners, not as mere passive participants. The central role that they played in the Workshop illustrates how important their contribution can be if their words are given the recognition they deserve.

As was most eloquently put by the Civil Parties who spoke of their own experiences at the Workshop, local ownership is essential if programming is to be successful. Ownership, as their remarks made clear, arises from listening to their voices and including them as partners in the process. This manner of proceeding is also one of the important factors in achieving sustainability. As participants in the Workshop clearly stated, the work of the residual phase will be wasted if it is not sustained beyond the three years indicated by the Addendum. Whatever the term of the residual phase may be, sustainability will require ownership and capacity building if its results are to endure. This theme was addressed in substance in the keynote of Dr. Sperfeldt who also made the important point that in programs with international participation there must be provision for a transfer of leadership and responsibility to Cambodian partners. It is they who in the long run will ensure sustainability. This, he noted, will also require ongoing programs to increase the number and capacity of Cambodian experts. This is also proposed in a detailed submission sent after the Workshop's conclusion by the Youth Resource Development Program, which lays out a ten-year timeline which starts with the phasing out of the ECCC during the residual phase and the gradually increasing responsibility and ownership of victim-centered programs by the RGC, with the close involvement of victim-survivors, youth, and civil society represented through technical working groups.

Another element of sustainability involves the integration of programming and the building of collaborative frameworks. This need was articulated by Dr. Sperfeldt and instantiated in the organization of the Workshop itself that brought together individuals from disparate groups to work together to define common goals and initiatives for the residual phase. The buzz in the conference hall throughout the three days of the Workshop indicated a real desire to get back to the drawing board, meet one another, and develop best practices and detailed programs responding to the needs and desires of victims. This spirit of collaboration must be seized upon.

Integration manifests itself in a two-fold manner: First, it mandates the integration of similar or related programs among CSOs and institutions already working on the relevant issues and topics or program areas to support collaboration and avoid redundancy or duplication of projects. Second, it is integration with the relevant government institutions or programs which would enable sustainable attention to these matters in the longer run. An example of the first form of integration might be the effort by Kdei Karuna to create a Memory and Learning Center, which they have proposed in their post-workshop submission (see Annex VII), and which would serve the needs of multiple organizations which have been involved in consultations since the original development of the proposal. Similarly, KDK hopes to provide a central space and entity that would integrate and collect all the work of those CSOs working on oral histories, intergenerational dialogues, and memory recordings.

An example of the second form of integration would be the need to seek out relationships with the MOEYS to build research outputs or curricula modules into official educational curricula so they can be uniformly used for students across universities or secondary schools. An example that incorporates both aspects of integration might be found in the NGO Youth for Peace, which is interested in collaborating with the TSGM to draw upon their knowledge and capacities in maintaining historical sites and to create an interconnected network of historical sites beyond just TSGM or Choeung Ek, but also including various crime sites which need to be reviewed, organized, and then maintained in provinces across the country. YFP already maintains such sites of memory at two locations mentioned in Case 002: Kraing Ta Chan security center in Takeo province and Samraong Knong in Battambang province. It should also be noted that in some cases integration might entail building cooperative relationships with international institutions rather than only with RGC institutions, but of course it depends on the situation or topic involved.

# OVERALL THEMES, PRINCIPLES, AND AREAS OF AGREEMENT

As stated by H.E. Kranh Tony in his opening address, the goal of the Workshop is to ensure the maximum participation of victims, civil society, and other stakeholders in developing victim-related activities for the residual phase. As His Excellency added, “The victims and Civil Parties are the voices that must be heard.” This sentiment was echoed in the opening session by the French Ambassador and other speakers and was taken up as a leitmotif throughout the Workshop.

As emphasized by Dr. Sperfeldt and other speakers, it is important to recognize what has already been done or is underway and build upon these efforts to avoid duplication rather than “reinventing the wheel.” The same point was made in the recommendations of the Co-Rapporteurs’ Report and in the submissions of Laura McGrew and the overseas focus group which she organized. This highlights the need for collaborative frameworks, such as the Workshop, and recalls the recommendation of the Co-Rapporteurs that such dialogues and convenings be held on a regular basis, perhaps every three months. This point was also made at the midpoint plenary on Day 2 by Civil Party Mr. Chan Sath, speaking on behalf of the Civil Parties’ group, who stated that the Civil Parties want to participate in such an event two to three times per year. Given the limited funding resources available for residual activities, and the ambitious scope of work indicated in the Workshop presentations and the submissions, competition among stakeholders will only have a negative impact on the opportunities as a whole and will likely also lead to a fragmentation of programming that will undermine sustainability in the long run. As stated by Group 7 in the Plenary, it is to the advantage of all stakeholders, as well as to the population they hope to serve, to derive strength from combining knowledge,

experience, and resources in initiatives that take advantage of the relative strengths of all participants. They called for the creation of a collaborative platform, encompassing civil society and government institutions to promote long-term sustainability.

Another theme that enjoyed broad agreement involves the various ways in which serving the victims must focus on the local level. Group 1 thus proposed that victims' associations at the local level must be made more viable and should be instituted throughout the country to "engage the grassroots level." Group 2 raised the same issue in regard to the pressing need articulated by all the Civil Parties for health care (mental and physical) for the elderly in their local communities. Group 4 proposed that acts of remembrance and memorialization must be localized through centers for victims and sites where memory can be preserved, organized through cooperation of government and community at the local level. Group 5 (echoed by Group 2) made a similar proposal in regard to the needs of ethnic minorities, whose experience should be documented in community memory centers and in crime sites where their oral histories can be preserved and used for intergenerational peace education and remembrance. Group 6 advocated for a stupa to be built in every Cambodian community as a memory site and for mental and physical health needs of victims to be served at the community level as well.

The need to preserve memory and put it to use in the education of present and future generations through educational curricula, museums, and other means was articulated by many of the groups and speakers as well as in submissions. Group 4 thus called for an extensive network of historic crime sites to be preserved across the country, while Group 6 said that the ECCC's trials must be a vehicle for remembrance and education of the next generation. Group 7 formulated this point in terms of promoting dialogue across generations and using education to make remembrance of the Khmer Rouge credible and meaningful to a generation that is often disposed not to believe the stories they are told by relatives and others. Group 8 placed this issue in the context of sexual and gender-based violence, including forced marriage. Those who experienced such violence want their stories to be preserved and believed. YFP, TSGM, and Bophana Center's submissions sent after the Workshop built on this, with the proposal of a number of specific projects related to thorough documentation of the past and that

historical work's dissemination through various means, whether in exhibitions, records preservation, documentary film workshops, or in the support for an educational mobile-app.

Another common issue raised was how to deal with the situation that occurs in many communities where victims and perpetrators live together but not, as Group 8 put it, in harmony with each other. This of course relates to the theme of localization mentioned above, but also raises the deeper issue of how this can best be achieved. VSS Chief Mr. Hang Vannak proposed that education can focus on creating a Cambodian post-Khmer Rouge identity that promotes harmony and prevent recurrence of violence. This aligns with the cultural studies and positive identity which ASRIC calls for in their transnational submission from the diaspora. As Hang Vannak stated, if youth are not educated adequately, "Our history will just become a 'tale' that no one will believe."

Perhaps the need most broadly expressed by the Workshop groups, the Civil Parties, and many submissions is the dire need for care of elderly victims, need which grows greater with every passing year. This need was forcefully expressed in the closing remarks of the group of Civil Parties at the workshop. They called for the establishment of an association for elderly victims that works collaboratively with partners to develop programming to establish elderly centers in each community and with local pagodas playing a key role; to include those victims not recognized by or participating directly with the ECCC; to provide health care; and, to enable the transfer of knowledge and educate a generation of young people who do not believe the stories they hear of the Khmer Rouge. Two submissions discussed in this report provide tangible pathways to responding to this clear need and demand from survivors. First, the presentation of Group 2 which mapped out a strategy involving key CSOs like TPO and HelpAge Cambodia as well as state institutions like the National Social Protection Council. The second presentation of a remedy for this matter was found in Michael Karnavas' paper which was submitted to the Secretariat by DC-Cam in the days after the Workshop.

Finally, Civil Parties, both as a group and as individuals, hold a lot of leverage. They are widely respected and admired, and their groundbreaking position of speaking out and sharing the truth of their suffering has endowed them with a great deal of

moral and persuasive power. This ought to be institutionalized. The Civil Parties in Group 2 suggested that Civil Parties could ask for support for specific programs from their local provincial governors. A real victim advocacy organization or association could powerfully advocate for victims needs, like the provision of an equitable health card similar to the “PoorID” which so many suggested during the Workshop and surrounding consultations. Victim-survivors also asked for the ECCC to undertake two final, specific acts of recognition of their experiences: first, the provision of certificates affirming their participation as Civil Parties, and secondly, a national, high-level ceremony with them, presided over by the King of Cambodia. Beyond these specific proposals, Civil Parties need an advocate to help them organize and coordinate that process, or to develop a Victims Association. This may indeed be a role for the VSS in a future form, as discussed at the Workshop and in the submission by Dr. Huy Samphoas.

Indeed, could the ECCC’s VSS transform into a permanent victim’s advocacy institution? There is no single CSO which can take up this mission on its own, both due to reasons of funding and logistical limitations and also due to a lack of universal buy-in from across civil society. However, the VSS could potentially take on this role, given its history as a “known quantity” for the state and civil society alike, its experience working on internationally funded programs, and its name recognition among victims and their advocates. The future institution could be treated as a public advocate or an ombudsperson working on behalf of victims throughout every segment of the public and private sectors. This institution would need to remain politically independent while receiving recognition from the RGC, and potentially some state funding too. Eventually, this institution ought to have branch offices in every province of the country. Further funds could be raised through local and international philanthropic efforts as well as international donor funding in its earlier foundational stages. For this transformation to be possible, VSS however needs greater resources now, including a fully resourced staff and an updated mission and scope of work. The residual period should be used to lay the foundations for this permanent victim advocacy institution, which will continue to exist independently from the ECCC after the residual phase concludes.



The common themes and points of agreement may perhaps be summarized in the following catalog of needs and goals:

- Listen to and engage the voices of victims and include them as partners in residual phase program development;
- Preserve their voices for future generations and education today through oral histories and other means, and promote intergenerational dialogue;
- Develop educational programs for schools and universities that incorporate the resources of the LDC, TSGM, leading CSOs, and remembrance centers;
- Promote engagement with local communities and provide a focal point for dialogue, remembrance, and reconciliation;
- Widen the scope of victimhood, by taking into account the secondary trauma carried by younger populations, including the children of former perpetrators, and recalling the trauma which weighs on diaspora communities overseas;
- Recognize and respond to the specific experiences and needs of marginalized victim-survivors, from survivors of SGBV to members of marginalized groups like ethnic, religious, sexual minorities;
- Address the continuing need for psychosocial services and health care for elderly victim-survivors; and,
- Promote sustainability through the development of collaborative platforms, the institutionalization of key programs, capacity building, and the centralization of resources to serve long term programming for victims as well as transgenerational needs.

# STRATEGIC PLANNING FOR VICTIM-CENTERED INITIATIVES IN THE RESIDUAL PHASE

It is clear that victims and relevant stakeholders and representatives wish to be involved in the imminent process of determining which programs will be supported and implemented as part of the ECCC residual phase. Their ideas have already been collected, and there are now existing channels to ensure continued consultation in the development of relevant programs. What is less clear still is the plan for funding and administering the worthy activities and programs proposed within these pages summarizing the Workshop and submissions before and after that event. The voice of victims and relevant stakeholders ought to be included in any such discussions. The ECCC should be direct and transparent about its planning. Its budgeting process for the residual phase could draw upon resources which exist for participatory budgeting in general and also guides for funding transitional justice programs in particular.<sup>52</sup>

<sup>52</sup> Paige Arthur and Christalla Yakinthou, *Funding Transitional Justice: A Guide for Civil Society Engagement*, Public Action Research, 2015. See also Laura McGrew, "Cambodia," chapter in *Transitional Justice, International Assistance, and Civil Society: Missed Connections*, Eds. Paige Arthur, P and Christalla Yakinthou, Cambridge University Press, 2018.

## THE THREE POSSIBLE MODALITIES ARE AS FOLLOWS:

As we have engaged in the consultation and workshop process thus far, the Secretariat has come to understand there are likely three potential modalities for organizing and funding the programs of the ECCC residual phase. It is likely that the actual outputs in the residual phase will be organized drawing upon multiple modalities and not just one uniform rule for all programs of the residual functions.

### ● AN “IN-HOUSE” MODEL

Where the ECCC manages and funds all programs directly itself. This does not work for most of the programs discussed in the report herein, because the ECCC’s staff will be limited in the residual phase, and its civil society and state partners have greater expertise in project implementation such as this. Further, the ECCC is funded partially by the Cambodian national budget and by voluntary international donations, so the ECCC relies on the budget and funding it receives from external actors and decision makers. The residual phase is expected to see a winding down of activities directly run, funded, and managed by the ECCC itself, so this model seems unlikely to succeed in most programs.

### ● A “JOINT VENTURE” MODEL

Where the ECCC works in tandem with local partner organizations or institutions as implementing partners, with the ECCC providing support either as a funding vehicle and/or in terms of human resources, materials, or access and networking. This could include the secondment of ECCC staff to actively work on a project being implemented by the residual functions alongside a partner organization, or it could be the provision of significant resources to support the development of a partner’s archive or technical capacities. It could also include the implementation of a program entirely by a partner organization, but with funding provided through the ECCC as a fiduciary vehicle. While that would incur added UN overhead costs, it might ensure less risk for a donor if the funds pass through a legitimate UN institution rather than directly to the implementing organization.

### ● A “SEAL OF APPROVAL” MODEL

Where the ECCC publicly lists, supports, and recognizes projects or programs which fit into the mission of the residual phase. The ECCC assists in finding connections for funding or support, and the ECCC also provides any materials it may have in its archives, provides space on its campus, or through its minimal staff’s engagement in publicity and promotion, but it does not finance the implementer or actively involve itself in the programs. The ECCC would draw upon its convening power and its networks within the RGC and among international donors to support the implementation of such programs. This modality could also be considered an extension of the way the ECCC managed the reparations projects in Case 002, where projects were symbolically supported by the Court, entirely funded by external donors, and implemented by outside partners under the umbrella of the reparations scheme. Even then, however, we would suggest that the ECCC make an effort to be more proactively involved in the implementation of such programs than it was with the reparations.



← Mr. Pich Ang, Civil Party Lead Co-Lawyer, listens to presentations on the closing day of the victims workshop on day 3 of the workshop.



← H.E. Mr. Mikami Masahiro, Ambassador of Japan and Co-Chair of the Friends of the ECCC, presents his closing remarks on day 3 of the workshop.



← Mr. Sim Sorya, ECCC Legal Officer and workshop facilitator, engaged in discussions with participants on day 1 of the workshop.

Workshop Group 3 also raised the need to avoid “mission creep” and suggested that the best role for the ECCC in many of these projects may be advocating for funding from the RGC or international donors and expansion of the activities of other entities. The YRDP submission after the Workshop again shows the need for the ECCC to plan its eventual exit even as it enters its residual phase. Integration and synergy across governmental and non-governmental institutions should inform these questions of funding and administration.

We do not endorse or reject any one of the above modalities, but we lay them out here in this report in a transparent way, so that all involved in the planning for the residual phase begin to seriously consider not just what they will support but how they will do it. As has been emphasized throughout this report, there will not be any “one-size-fits-all” approach, and the best modalities will need to be determined for each program. Implementing organizations and institutions, victims and Civil Parties, external donors, the RGC, and the ECCC itself ought to openly consider the best modalities to serve the needs of victims. Transparency and accountability should be built into this process. We support the involvement of victims and their representatives in this planning process, as described above and as exemplified by the organization of the Victims Workshop itself. We also note the suggestion by many at the Workshop and in the submission of the overseas focus group that there should be an oversight body involved in the decision-making processes on the question of funding in this residual phase.

We also suggest that all stakeholders from civil society, state institutions, and the ECCC draw upon the optimism and productivity of the busy May 2022 Workshop. That event displayed the energy that still exists after more than 15 years of work at and around the ECCC, and it demonstrated what innovations can grow out of greater collaboration and openness and more frequent gatherings. It appears that the ECCC recognizes the limits of its own capacities and intends to continue to seek out Cambodian and international expertise, evidenced by the very recent call for expressions of interest to contribute to the ECCC residual initiatives, which seeks input from professionals of diverse backgrounds on an ongoing basis.<sup>53</sup> We encourage victims and their representatives to take advantage of these opportunities for greater input

53 UNAKRT, “Expressions of interest to contribute to ECCC residual initiatives” (28 June 2022), accessible as of 15 July 2022 at: <[http://www.unakrt-online.org/sites/default/files/EOICMS202202\\_0.pdf](http://www.unakrt-online.org/sites/default/files/EOICMS202202_0.pdf)>.

and involvement, and to enter the residual phase with the same sense of possibility they brought to the Workshop.

To ensure that this energy and optimism is carried forward, it is vital that a framework be established for collaboration, consultation, and, as much as possible, consensus. As stated in the submission of the overseas focus group in Annex VII, “A carefully and transparently selected Advisory Board could assist to ensure that projects are chosen based on Cambodians’ concerns and interests.” Any framework initially should prioritize the planning and oversight of the ECCC residual functions’ engagement with victims and relevant stakeholders, but in the longer term it may enable the creation of a permanent and independent victims’ advocacy institution, an independent ombudsperson of sorts with centralized representation of aging victim-survivors and with a network of offices nationwide. This oversight body could also contribute to the potential establishment of a permanent victim advocate institution, as a board of trustees or advisors. If a truly open, consultative framework is established, then this residual phase can entrench the spirit of collaboration, participation, and solidarity which the Workshop participants asked for. To support this effort and the efforts of those CSOs and institutions attempting to respond to the requests and needs of victims, the ECCC can rely on its convening power and unique political role in bringing together both the RGC and international community.

Ahead of the announcement of the final judgment in Case 002/02 and the conclusion of the ECCC’s judicial phase, it is vital that the ECCC begin mapping out and sequencing the programs discussed here and elsewhere. The ECCC and its donors must examine which programs are ready to be implemented immediately, and which programs necessitate some period of continued research or planning. Many of the programs presented at the workshop and in supplementary submissions include pilot phases which could begin as soon as the residual phase begins, such as in early 2023, and then are intended to expand into scalable, potentially nationwide programs for the second and third years of the residual phase. The modalities described above must be considered, to determine which of these funding or administrative models is best suited for immediate, rapid implementation of projects now as pilots or quickly at the start of the residual phase in early 2023. If a funding cycle for a major donor takes time to process

or does not sync with the commencement of the residual phase, then the ECCC should find ways — through the RGC, its networks of international donors, or through any discretionary budget it retains — to ensure that a series of victim-centered projects can begin now or soon after the official start of the residual phase.

In addition to other recommendations made elsewhere thus far, we would highlight two clear immediate needs, which came up throughout the Workshop and in submissions before and after the event, and which will impact other programs. These are just two examples of necessary undertakings which must occur soon if the residual phase is to be most effective.

First, the ECCC through the VSS and the CPLCLs must undertake a comprehensive campaign to track down every single Civil Party who was recognized in Cases 001 and 002 and who applied in Cases 003, 004, 004/01, and 004/02. They must be informed about the outcomes in those proceedings and the reparations projects conducted thus far, and they should be given the chance to make any decisions regarding their private information in relation to eventual reclassification of case file materials. Civil Parties in Cases 001 and 002 should be informed in detail of the final outcomes of their cases. Victims who applied as Civil Parties in Cases 003 and 004 should be informed that their testimonies and evidence were heard, they were recognized as factual findings in the indictments issued by the International CIJ and confirmed by the international judges of the Pre-Trial Chamber, and their experiences were in fact heard and recognized even if those cases did not proceed to trial. This is no small undertaking, and should begin immediately rather than waiting the commencement of a residual phase. There should be a similar undertaking for complainants as well. Compilation of all victim information should have begun already, as many survivors' telephone numbers or addresses may have changed. If the VSS and the CPLCLs need more resources to undertake this effort, those resources should be provided. With the recent unfortunate withdrawal of international CPLCL Megan Hirst, it is reassuring to see that the ECCC still intends to fill the position even as it nears the close of judicial activities and the start of the residual phase.<sup>54</sup> Her statement that the ECCC has until now not provided the necessary support for her team's engagement with Civil Parties<sup>55</sup> must be addressed with greater transparency moving forward and with a substantial public outreach campaign.

<sup>54</sup> UNAKRT, "Vacancy Announcement: International Civil Party Lead Co-Lawyer" (1 July 2022), accessible as of 15 July 2022 at: <<http://www.unakrt-online.org/sites/default/files/VA-CPLC-2022-02.pdf>>.

<sup>55</sup> Withdrawal Letter of International CPLCL Megan Hirst to ECCC Supreme Court Chamber, dated 16 June 2022, and publicly accessible as of 15 July 2022 through Voice of America, see: <<https://docs.voanews.eu/en-US/2022/07/08/2f3e-fa31-49d1-4815-9c9f-5e93fd6bf738.pdf>>.



Any new CPLCL will need to be ready to undertake a wide-ranging, nationwide public information campaign updating their clients with legal findings and outcomes. This effort is necessary to respect the rights of the victims who engaged in the proceedings and also to demonstrate to them that their participation and experiences have not been forgotten. This is a necessary step before the ECCC expands its mission toward other victim-centered activities or efforts toward reconciliation and healing.

Secondly, a more effective and meaningful residual phase would be aided by better baseline data on the perceptions of the ECCC and Cambodia's transitional justice process. This data should target not only victim-survivors or Civil Parties but also young people. The submissions from La Trobe University and Marie Wilmet in the Co-Rapporteurs report, as well as the submissions from Mychelle Balthazard and the overseas focus group provide some details to potential opportunities for undertaking such an effort. Population-based surveys have not been conducted in many years, and both the ECCC and civil society stakeholders would benefit from a wider range of data to draw upon. Such efforts could also be used to query the public about programs or principles which they would like to see undertaken during the residual phase. A research effort which begins by late 2022 could issue its findings by mid-2023 and result in new programs or adjustments to existing programs by the start of 2024, at the outset of the residual mandate's second year.

In the meantime, an open, consultative process which continues to engage with victims and their representatives on their proposals which will flow from the decisions made about those questions of funding modalities and programmatic sequencing will strengthen the eventual programs and ensure political and social "buy-in." More decisions will eventually have to be made; that is a reason for more workshops, technical working groups, or consultations. It is ultimately up to the CSOs to determine what they want to do and how they are going to do it. Collective convenings, initiated by the ECCC and always centering the perspectives of victims themselves, would better serve all these organizations, inspire collaboration rather than competition, and structure a successful and productive three years of the ECCC's residual phase.

V.

CONCLUSION AND THE WAY FORWARD

---



A summary of the main points of this Report can be found in the Executive Summary which begins on page 19. Rather than tediously repeating what is already stated there, we offer our observations and conclusions from our participation in the Workshop and the process that led up to it.

What has emerged over the past months' experience of engaging stakeholders of victim-related activities is the extraordinary potential for building upon the legacy of the ECCC. As the Court enters its residual phase, it has the opportunity to mobilize the energy, commitment, and expertise that has been displayed in the process that led from the Co-Rapporteurs' call for proposals to the Workshop. The submissions to the Co-Rapporteurs, the initiatives discussed at the Workshop, and the proposals and submissions that developed during and afterwards, collectively represent the product of 16 years of civil society engagement with the Court and with RGC institutions. Reflecting on what we have learned and observed leaves us with no doubt about what might be achieved if this wealth of experience can be effectively channeled to address the needs, goals, and key themes identified in the Workshop. The challenge is how to enable this potential to come to fruition. This Workshop is only a start, but because of the substantive participation and spirit of collaboration displayed by the participants it offers the promise of a way forward that can infuse the residual phase with programs with benefits for Cambodian society which will continue long after. Needless to say, there are challenges to be met if the ambitious goals and undertakings advanced in the Workshop are to be realized. In this concluding section, we offer a few suggestions as to some of the requirements for productive follow-on steps.

First, the momentum gathered in the past months must not be allowed to dissipate. As recommended by the Co-Rapporteurs and participants in the Workshop, there must be regular follow-on meetings to provide a space for continuing the discussions and realizing the proposed collaborations and initiatives that emerged from them. A constant theme in the Workshop and in the engagement with the Co-Rapporteurs was sustainability. Sustainability will require a continuity of engagement between the various groups of stakeholders represented at the Workshop. It must be the role of the ECCC to enable that continuity throughout its residual phase by serving, as it has recently, as an organizing entity.

④ The Supreme Court Chamber in the Extraordinary Chambers in the Courts of Cambodia during the appeal proceedings in Case 002/01 against Nuon Chea and Khieu Samphan on 3 July 2015.

Second, it cannot be left to individual stakeholders to pursue individual proposals. One of the most important themes echoed throughout the Workshop was the need for collaborative platforms to avoid duplication and competition among stakeholders and to facilitate a process by which they can work together to develop and implement projects. The ambitious scope of many, if not most, of the proposed projects will require joint efforts leveraging the networks, experience, and varied capacities of participating organizations. Throughout the process, from submissions to the Co-Rapporteurs until today, the need for a nationwide scope of engagement in key areas of victim-related work has been repeatedly recognized. Such scope requires collaboration and the prerequisite for such collaboration is an effective mechanism that can enable and facilitate it. Instituting a regular series of workshop meetings will provide a basis for developing such collaborative platforms and ensuring that the discussions begun already continue and bear fruit. Participants in the Workshop discussions called for further developing collaborations between academia, NGOs, RGC institutions, and other stakeholders. These groups do not necessarily interact in the ordinary course of things, but the Workshop has shown that they will enthusiastically engage with one another if provided with the right space and opportunities for doing so.

Third, the continuation of the Workshop process should evolve in ways that promote focused engagement of organizations with common interests, expertise, and goals. This will require identifying priority areas for initiatives and organizing sub-groups and focused convenings for the purpose of generating, funding, implementing, and evaluating proposals and projects in those areas. That is, the suggestion here is not to repeat the same workshop over and over again but rather to develop a systematic work-plan for smaller thematic workshops that bring together stakeholders already identified as having common interests in an area. As noted above in this report, there are significant cross-connections and overlaps between the various themes and area of initiatives. Accordingly, the specialized groups should report back to the larger “Workshop community” two to four times per year to coordinate initiatives, identify synergies and opportunities for leveraging accomplishments and connections, and develop strategies for funding of projects.

Fourth, if the promise represented by the submissions and the cooperative energy generated at the Workshop is to be realized,

then, clearly, adequate funding mechanisms will have to follow. Section IV. Strategic Planning for Victim-Centered Initiatives in the Residual Phase above provides a view of what some of the different modalities could be. What underlies them all, however, is the political will on the part of the donor community, the RGC, and other relevant stakeholders to see that the potential represented here does not go to waste. If individual CSOs are all left to their own devices to search for funding, then the opportunity for a systematic and cooperative approach to building out the legacy of the ECCC will be lost. The collaborative platforms discussed above, and the sustainability that such a systematic approach alone can produce, require a structured commitment to providing the financial support needed to achieve even just the most important of the initiatives proposed.

Fifth, as has been emphasized throughout this report, the voices of the victims and Civil Parties need to occupy a central place in shaping and implementing the victim-related program discussed above. Given the opportunity to participate in a meaningful way in the Workshop they spoke with eloquence and force of the needs of their communities. Listening to them and involving them is not only important in itself but is also the best way to ensure that programmatic needs are properly formulated and effectively addressed. Any other “top-down” approach, so frequently employed in so much international development work, is likely both to squander precious resources and fall short of the desired outcomes. A concomitant requirement is making sure that the expertise now at hand in Cambodian civil society thanks to the past 16 years of ECCC engagement is continuously renewed and supported so that whenever the residual phase comes to an end, it leaves behind a community of organizations that will carry the work begun here forward into the future.

At the close of the May 2022 Workshop, Civil Party Ms. Pech Srey Phâl gave closing remarks on behalf of the Civil Parties and other victim-survivors. She spoke of the optimism and hope that another three years could ensure sustainable, long-lasting programs which respond to the requests of victims and involve civil society and state institutions alike. If the ECCC residual phase is effective, she explained, survivors “will be coming together to lift the rock they have held in their chests for the last 40 years. Never have they taken their pain and suffering out of their chests for the

last 40 years! [...] They would feel warm and think that all of us have not abandoned them; we still support them, and help them carry on." The ECCC, the RGC, and international donors now have the ideas, tools, resources, and networks before them to ensure this residual phase is most effective in promoting and establishing the programs discussed in this report and its annexed submissions. This is an opportunity to seize, on behalf of victim-survivors and the next generations.

In closing, now this report will go to the ECCC Administration. It will be published and disseminated to Workshop participants and all stakeholders, and, we hope, it will provide a roadmap for the ECCC in its residual phase and a concrete framework for funders to provide the support to build on what has already been achieved, to create a real legacy for the ECCC that is of enduring value for Cambodia.

# ANNEXES

I. Text of Addendum  
to UN-RGC Agreement



II. Calls for Expressions  
of Interest for Moderator,  
Coordinator, and Facilitator



III. Final Agenda for  
May 2022 Workshop



IV. Two Press Releases  
(in both languages) for  
the May 2022 Workshop



V. Transcripts of Speeches  
from Public Sessions of  
May 2022 Workshop



VI. All Submissions in  
Response to the Co-Rapporteurs'  
October 2021 Call



VII. All Submissions  
to the Secretariat After  
the May 2022 Workshop







ENGLISH REPORT  
ISBN-13: 978-9924-9747-1-0



9 789924 974710 >